

\$200 Million Slated for New Juvenile Facilities

This January, Gov. Martin O'Malley announced plans to spend more than \$200 million over the next five years to build two new treatment facilities and two new detention centers for juvenile offenders. These structures provide much-needed in-state facilities that are smaller and more secure.

"In the last several years, Maryland has lost local capacity to provide treatment services for its youth," said Donald DeVore, secretary of the department of Juvenile Services. "This plan provides the first and most crucial step in the reformation of our system. We must treat more of Maryland's youth here in Maryland. We must create the 'Maryland Model' where detention, treatment, and community services are delivered in the most effective way."



The Baltimore City Juvenile Justice Center

Dan Clark

Currently, Maryland has only one secure residential treatment facility, the Victor Cullen Center in Frederick County. Due to the limited capacity, DJS is forced to send youth out-of-state for treatment and supervision, a practice the department calls costly and ineffective. With the newly allocated funds, two treatment facilities, with 48 beds each, will provide the resources needed to treat youth in their own community. The new, smaller facilities will provide more focused treatment and supervision.

In addition, two additional 48-bed detention centers will be built to replace old structures that pose continuing safety challenges. "The existing facilities

were not designed with the standards and practices used by juvenile service agencies throughout the United States to provide good lines of sight, efficient supervision, and proper treatment of youth," DeVore said.

One treatment and one detention facility will be located at the Cheltenham Youth Facility in Prince George's County, which currently houses 87 high-risk offenders awaiting either a court disposition or post-adjudication placement in a treatment program. The other facilities will be located throughout the state to provide a continuum of care within the youths' communities, DeVore explained, providing in-state placements for youth that will enable family involvement and ensure public safety.

"We must create the ability to treat more of Maryland's youth here in Maryland."

- Donald DeVore
Department of Juvenile Services

Judicial Spotlight

These Clerks Serve in a Position of Trust

By Catherine Bouchard

"It's surprising how many people do not understand their ongoing obligations as guardians."



courtesy Cathy Bouchard

Cathy Bouchard, trust clerk for Prince George's County



courtesy Marlene Titus

Marlene Titus, trust clerk for Carroll County

Along with filing individual income taxes this year, hundreds of Marylanders who are appointed as legal guardians also have to provide information about a family member's financial accounting and health care concerns to the courts. But with the help of Circuit Courts across Maryland, these guardians are not alone in managing these critical family matters.

The Maryland Rules authorize each Circuit Court to appoint Judiciary employees or local attorneys to serve as trust clerks for the county. A trust clerk, also known as a trust attorney, is responsible for reviewing the inventory and annual accounting of new guardianships or trusts.

Guardians are appointed to protect the interests of minors who have received a family inheritance or family members who are disabled and unable to make financial and/or medical decisions. For example, guardians can be responsible for a young child inheriting life insurance proceeds, serve as a guardian of a family member's personal health care decisions, and manage their real estate, Social Security benefits, stocks, and bonds. Circuit Court judges usually appoint family members to serve as a guardian or trustee.

In Prince George's County, where I am trust clerk, a majority of cases involve children who are seeking guardianship of a disabled parent. I am responsible for reviewing all new guardianship and trust cases that are filed.

Each year, guardians/trustees are required to file annual fiduciary reports. Trust clerks then examine the reports and make recommendations to the court. The reports include an inventory of assets, how much income has come into the trust, what has been disbursed, and for what was it disbursed. Any irregularities in the fiduciary report are reported to a judge.

As soon as the fiduciary accountings are filed, the trust clerk reviews the Petition for Guardianship or the Petition to Assume Jurisdiction Over a Trust to make sure the petitioner has provided all the information required by the statute and the Rules. The file then goes to a judge who signs the Show Cause Order, an official memorandum that requires the petitioner to provide additional information.

In Prince George's County, I maintain a list of attorneys who are available for appointment as counsel for a disabled person or minor, or as a fiduciary.

The guardianship filings are increasing each year, so it can get pretty hectic for this office. In addition to the new filings, some of the reports go as far back as the 1960s. Over the years there are some guardians that I've gotten to know very well.

In Prince George's County, I am present in the courtroom during guardianship proceedings. A liaison judge often asks me to be available for a recommendation on a bond or trust procedure. When a guardian steals money or is in default, the

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Reviewing Cameras in the Courtroom

The Maryland Judiciary has joined court systems across the country in re-examining the pros and cons of allowing cameras to film criminal court proceedings.

The Committee to Study Extended Media Coverage was established in August as a subcommittee of the Legislative Committee of the Maryland Judicial Conference. The subcommittee's task was to collect information regarding the appropriateness, feasibility, and utility of allowing television cameras to record and broadcast criminal trial proceedings in the state, and provide the Judicial Conference with a report of its findings later this year.

"The committee members and staff researched and reviewed literature from a variety of sources, including case law, articles in law journals and media publications, a 1980 report of the Public Awareness Committee of the Maryland Judicial Conference, and a growing body of reports, surveys, and analysis of media coverage in other jurisdictions," said Baltimore City District Judge Nathan Braverman, chair of the Committee to Study Extended Media Coverage.

The first widespread prohibition on extended media coverage was adopted 70 years ago when the American Bar Association approved Canon 35 of its Canons of Professional Ethics, declaring that such coverage degraded the court and fostered public misconceptions about the judicial process. Since then, cameras continue to be prohibited in a number of court systems across the United State, while others have opened their courtrooms to cameras in varying degrees, Judge Braverman said.

The committee solicited and received written and oral testimony from the public. Along with receiving written testimony on the issue, 10 individuals—representing various media and organizations whose members appear regularly in criminal trial courts—testified before the committee in November. The Maryland State's Attorneys Association, the Office of the Public Defender of



Maryland, the Maryland State Bar Association, and the Maryland Crime Victims Resource Center also testified. News organizations across Maryland covered the hearing and conducted their own research on the issue. Several news outlets reported that fewer than 15 states, including Maryland, bar TV cameras from criminal courtrooms.

While camera coverage is currently permitted for some appellate arguments and some civil proceedings, the Maryland Bar Association opposes expanding the coverage.

The committee was instructed to report its findings, in writing, to the Chief Judge of the Maryland Court of Appeals, the Chief Judge of the District Court of Maryland, the Conference of Circuit Court Judges, and the District Court Administrative Judges Committee by February 1.



Darrell S. Prassley

Judge Braverman testifies before the Maryland House Judiciary Committee in February regarding a proposed bill that would allow television stations to broadcast criminal sentencing hearings.

Judiciary Profile

Ssali S. Luwemba Joins Judiciary as Internal Audit Director

by Catherine McGuire

Shortly before the end of 2007, the Maryland Judiciary welcomed a new director of internal audit to its ranks. Ssali S. Luwemba (pronounced "SIR-lee Lu-WEM-ba") says he looks forward to the challenges and leadership opportunities the position offers.

When asked about his plans for the Internal Audit Department, Mr. Luwemba was quick to first recognize the current members of the audit staff for their professionalism and dedication. He plans to continue the work of the team. "High quality internal audit services," he said, "require a coherent and consistent body of knowledge and guidance that facilitate implementation of concepts, methodologies, and techniques for the Judiciary clients we serve." It is important, he said, to "practice what we preach."

Trust, said Mr. Luwemba, is the key component for the department. Internal auditors must earn and keep the trust and respect of their internal and external clients. The overall role of an internal audit is to provide a mechanism for checks and balances of Judiciary activities. Mr. Luwemba uses a phrase popularized by former President Ronald Reagan, "trust but verify." On the two-way street that financial trust implies, Mr.

Luwemba's department serves as agents for best practices, process improvement, and integrity.

Born and raised in Uganda, Mr. Luwemba attended college in the United States, earning a B.Sc. at Central State University in Ohio; a B.Sc. in business management from Wright State University; and his masters of business administration (MBA) from the University of Dayton. He is a member of the American Institute of Certified Public

Accountants and the Institute of Internal Auditors, and is a certified financial services auditor. His experience is centered on government units, including 18 years with the City of Atlanta. He has also taught at Georgia State University and California State University, Chico.

When not pursuing his professional path, Mr. Luwemba enjoys reading political and business magazines and, when weather permits, jogging. He is grateful for the warm welcome the Judiciary has provided, and looks forward to the challenges presented in elevating the internal audit function to a level where internal auditors are perceived as full partners in achieving the Maryland Judiciary's mission, goals and objectives. [Catherine McGuire is outreach services librarian for the Maryland State Law Library.](#)



Ssali S. Luwemba

Congratulations

- **Chief Judge Robert M. Bell** of the **Maryland Court of Appeals** received the Thurgood Marshall Award of Excellence for outstanding achievements in the field of law in February. Judge Bell also received the 2008 Light for Children Award at the CASA Fifth Annual Light for Children Reception in February.
- **Montgomery County Circuit Judge Ann N. Sundt** received the Rita C. Davidson Award from the Women's Bar Association of Maryland.
- **Participants in the Judiciary's ninth annual holiday door decorating contest** helped raise almost \$1,500 for charities throughout the state.
- **Alexander L. Cummings, Clerk of the Court of Appeals**, is being honored by Attorney General Douglas F. Gansler with the creation of a new award: the Alex Cummings Award of Excellence in Appellate Advocacy. The award will honor one or more assistant attorneys general who have demonstrated all-around excellence in written and oral advocacy. The first award will be given in October.

Protective Orders Become Standardized

Contributed by Bobbie Warnken, Clifton Files, and David Sargent

It's 'front-page' news: As of January 1, the Maryland Judiciary began issuing a new first page for protective orders. With this move, the Judiciary joins a national movement to standardize protective orders.

The new national template moves the 10 most critical pieces of information from other parts of the order to the first page. These 10 "points of similarity" include:

- The name of the particular order
- Basic petitioner information
- Respondent information, especially the relationship to the petitioner
- Respondent identifiers to help determine the person with whom police officers come in contact
- A "weapon involved" box, a new feature that has been added nationally
- The court order, including the no-contact provision—the most common violation in out-of-state orders
- An expiration date for the order

"This is a tremendous first step toward creating uniform protective orders to help simplify a document that provides a safety net for abuse victims and their families," said Chief Judge Robert M. Bell of the Court of Appeals. "The new national template will also help Maryland victims receive similar protection in other states and allow Maryland law enforcement to protect out-of-state victims more readily," he said.

Currently, there are more than 11,000 variations of protective orders across the country. The orders can be difficult to enforce because of their length and wording. Added to that problem is the challenge of enforcing out-of-state protective orders.

The National Center for State Courts is working to standardize the national

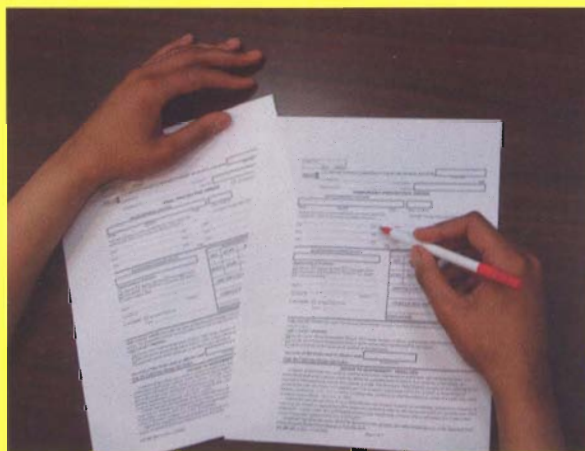
template for every state, territory, and tribe through an initiative called, "Project Passport." Maryland joins 10 states, the District of Columbia, and numerous Indian tribes that have adopted the national template, while others are working toward adopting it.

"What is important to emphasize is that only the look of the protective orders will change, nothing concerning the service and enforcement of Maryland and out-of-state protective orders will change," Judge Bell said.

Until the current Maryland orders expire—which will take more than a year in some cases—police officers will encounter two different-looking first pages. "But both of them will be equally valid and enforceable," Judge Bell said.

A team from the Judiciary traveled to Boston last March to meet with representatives from courts throughout the country to finalize the template. The members of the Judiciary's Project Passport Team included: Harford County District Judge Angela Eaves, team chairperson; Roberta (Bobbie) Warnken, assistant chief clerk for administrative services, District Court of Maryland; Captain Daniel Hall, Bureau of Field Operations assistant chief for the Prince George's County Sheriff's Office; David Sargent, Maryland Network Against Domestic Violence; James Reilly, Harford County Circuit Court Clerk; and team coordinator Clifton (Cliff) Files, domestic violence specialist, Department of Family Administration, AOC.

For more information on the national program for protective orders, visit the National Center for State Courts Web site at <http://ncsconline.org>. Ms. Warnken is assistant chief clerk of administrative services for the District Court of Maryland; Mr. Files is a domestic violence specialist with the Department of Family Administration; and Mr. Sargent is a law enforcement trainer-coordinator with the Maryland Network Against Domestic Violence.



Molly Kalifut

The new front page for protective orders is in four sections so that each state that uses it has the information in the same place.

Judiciary Employee Becomes Stop-Smoking Spokesperson

Working as secretary to Baltimore City Circuit Judge Robert Kershaw may have saved Bea Elmore's life.

A smoker for 36 years, Elmore had tried many times to stop, but it was a kind thought from her boss that gave her the incentive to quit forever. One day last year, Judge Kershaw left a church bulletin on her desk with a 'prayer for the addicted' circled. She read the prayer and appreciated his kind thought, but she began to see herself in a new light—and she didn't like what she saw.

"I thought, 'This is so nice of him.' But it had a bitter aftertaste—I didn't want someone I respected, someone I worked for, to see me as someone with an addiction," Elmore recalled. "It wasn't like he was scolding me, but it did make me very aware of how I looked in his eyes.

"I take my job very seriously," she explained. "I wanted him to be completely confident in me, not think of me—in any way—as someone who has an addiction."

Throughout her time with the Circuit Court—she joined seven years ago as a temp, and started working for Judge Kershaw after his investiture two years ago—Elmore was very careful to keep her smoking out of the spotlight. "When I went outside, I always stood downwind so the smoke wouldn't stick to my clothes, and I always had breath mints," Elmore said. The strategies were effective. "I didn't even know she smoked until one of my colleagues mentioned it," Judge Kershaw said.

After she read the prayer, Elmore vowed that she would quit for good. She called the Maryland Tobacco Quitline, 1-800-QUIT-NOW, and enrolled in their smoking cessation program. The hotline service provided her with counseling and, with her doctor's clearance, medication that helped with cravings. "After three days, I had no craving for nicotine—or coffee," Elmore said. After 10 weeks of the 14-week regimen, Elmore stopped taking the medication. The craving came back, but only in the form of "an annoyance, a little hint."

Nine months later, she is still cigarette-free. She has started drinking a little coffee again, but that's a habit she can live with, she says.



Dan Clark

Bea Elmore breaks her habit with encouragement from Judge Robert Kershaw

As part of the program, Elmore worked with a 'quit coach,' who work out individualized plans with each caller that revolve around his or her schedule, readiness to quit, quit dates, and follow-up support for a total of four calls. Elmore first got bi-weekly calls from her 'quit coach,' and as she moved forward in her personal program, the calls tapered off. "The last time they called was December," she reported.

During one those calls, Elmore was asked to consider going public with her story and helping others. She agreed, and has become the public face and voice of a new Clean Air Maryland initiative. Elmore tells her story in radio public service announcements, and an illustration of her face is featured on bus shelters and taxi tops. The stop-smoking public awareness campaign was scheduled to coincide with the February 1 start date of a new state law that prohibits smoking in indoor public places, including bars and restaurants.

"I'm very proud of the hard work that she's done," Judge Kershaw said. "And I'm also very proud that she has this opportunity to share her story with so many others."