

MARYLAND



JUDICIARY

Judicial Council

2018 Annual Report

Mission

The Maryland Judiciary provides fair, efficient, and effective justice for all.

Vision

The Maryland Judiciary advances justice for all who come to Maryland's courts.

We are an efficient, innovative, and accessible court system that works collaboratively with justice partners to serve the people with integrity and transparency.

Goals

1. Provide access to justice.
2. Be responsive and adaptable to changing community needs.
3. Communicate effectively with stakeholders.
4. Improve systems and processes.
5. Be accountable.
6. Assure the highest level of service.
7. Build partnerships.
8. Use resources wisely.



The Maryland Judicial Council

As the governance body of the Judiciary and principal policy advisory body to the Chief Judge of the Court of Appeals, the Maryland Judicial Council is committed to advancing the Judiciary’s mission to provide fair, efficient, and effective justice for all.

The Judicial Council is the nexus through which Judiciary-wide policy changes, judicial reforms, legislative issues, and other internal and external developments that impact the administration of justice are vetted.

Guided by the eight key goals of the Judiciary’s strategic plan, the committees develop recommendations for policies, programs, and initiatives that help ensure efficient operations and timely and effective administration of justice in Maryland. These recommendations are reviewed by the Judicial Council for the Chief Judge’s approval.

The Judicial Council and its committees, subcommittees, and work groups include a wide representation of the diverse Judiciary community. They involve judges, magistrates, trial court clerks and administrators, commissioners, court leaders, and justice partners throughout Maryland.

It is through their collective work that the Maryland Judiciary is fulfilling its mission and achieving its strategic goals in serving the people of Maryland.

This report focuses on just a few highlights of the work of the Judicial Council and its committees during 2018.

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A MESSAGE FROM MARY ELLEN BARBERA – CHIEF JUDGE

I am pleased to share the Maryland Judicial Council Annual Report for 2018.

This report reflects the insightful and industrious work of the Maryland Judicial Council and its committees, focusing on the background and details of some key areas of interest and efforts aimed at assuring that all in Maryland obtain fair, efficient, and effective justice.

I am grateful to the members of the Judicial Council, its committees, subcommittees, and work groups for their dedication and commitment. They are the full measure of the Judiciary. Members are drawn from trial and appellate courts; court-related agencies, the Administrative Office of the Courts, and District Court Headquarters; and our justice partners and our interested stakeholders. Every member has contributed time, talent, and wisdom. I would also like to acknowledge the learned professionals who not only provide staff support, but also lend their expertise to the issues at hand.

The committee structure allows us to collectively turn the most innovative ideas into the most efficient initiatives, to solve complicated problems with effective solutions, and to shine the brightest light on the best of practices — all in service to those who rely on our courts and services.

On behalf of the Council, I hope you will find the report interesting and useful. I invite you to review the Maryland Judiciary’s Strategic Plan Update for a comprehensive recounting of efforts, initiatives, and achievements.

Mary Ellen Barbera
Chief Judge, Court of Appeals



2018 Judicial Council

Honorable Mary Ellen Barbera, Chair *
Chief Judge, Court of Appeals

Matthew T. Barrett, Esq.
Vice Chair, Conference of Circuit Court
Administrators
Court Administrator, Circuit Court for
Cecil County

Honorable Pamila J. Brown
District Court in Howard County

Tamera Chester
Administrative Clerk, District Court
in Anne Arundel County

Honorable Kathleen Gallogly Cox *
Chair, Conference of Circuit Judges
Circuit Court for Baltimore County

Honorable Amy J. Craig
Chair, Conference of Circuit Court Clerks
Clerk, Circuit Court for Dorchester
County

Faye D. Gaskin, Secretary
Deputy State Court Administrator
Administrative Office of the Courts

Pamela Q. Harris *
State Court Administrator
Administrative Office of the Courts

Honorable Susan H. Hazlett
District Court in Harford County

Douglas Hofstedt
Chair, Conference of Circuit Court
Administrators
Court Administrator, Circuit Court for
Anne Arundel County

Honorable James A. Kenney III
Chair, Senior Judges Committee

Honorable Karen H. Mason
Circuit Court for Prince George's County

Cheryl Miller
Administrative Clerk, District Court
in Cecil County

Honorable Timothy W. Miller
Vice-Chair, Conference of Circuit Court
Clerks
Clerk, Circuit Court for Garrett County

Honorable Patricia L. Mitchell
District Court in Montgomery County

Honorable John P. Morrissey *
Chief Judge, District Court of Maryland

Honorable W. Michel Pierson
Circuit Court for Baltimore City

Honorable Gerald V. Purnell
District Court in Worcester County

Honorable Laura S. Ripken
Vice-Chair, Conference of Circuit Judges
Circuit Court for Anne Arundel County

Roberta Warnken
Chief Clerk, District Court of Maryland

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

Honorable Brett W. Wilson
Circuit Court for Dorchester County

Honorable Dorothy J. Wilson
District Court in Baltimore County

Honorable Patrick L. Woodward *
Chief Judge, Court of Special Appeals

* Member of Executive Committee

2018 Committees

Alternative Dispute Resolution Committee

Honorable Mimi Cooper, Chair

Promote the use of appropriate dispute resolution processes throughout the courts. Provide an avenue for courts to vet changes to ADR rules and standards of conduct.

Court Access and Community Relations Committee

Honorable Pamela J. White, Chair

Address barriers to access to the courts and legal services in Maryland. Strengthen public awareness of the Judiciary's programs, projects, services, and initiatives. Promote knowledge and understanding of the Judiciary.

Court Operations Committee

Honorable E. Gregory Wells, Chair

Address matters related to the efficient operations of the courts. Assist in the development of consistent statewide operations, policies, and best practices.

Court Technology Committee

Honorable Gary Everngam, Chair until 7/27/18

Honorable Fred S. Hecker, Chair as of 8/14/18

Honorable Margaret M. Schweitzer, Vice-Chair

Ensure the technology operations of the Judiciary are efficient and effective. Provide advice and guidance regarding the implementation of technology and its impact on judicial operations/functions.

District Court Chief Judge's Committee

Honorable John P. Morrissey, Chair
Chief Judge, District Court of Maryland

Advise the Chief Judge of the Court of Appeals on the operation of the District Court in all its locations. Aid the Chief Judge in the administration, operation, and maintenance of the District Court statewide.

Domestic Law Committee

Honorable Cynthia Callahan, Chair

Honorable Cathy H. Serrette, Vice-Chair

Provide guidance and direction regarding policies, rules, and legislation surrounding family domestic law, including domestic violence. Recommend policies, rules, and legislation that improve the effective administration of domestic law.

Education Committee

Honorable Susan H. Hazlett, Chair

Guide, promote, and encourage the education, training, and professional development of all Judiciary judges and employees.

Juvenile Law Committee

Honorable Michael J. Stamm, Chair

Provide guidance and direction regarding policies, rules, and legislation surrounding juvenile law, including juvenile justice and child welfare. Recommend policies, rules, and legislation that improve the effective administration of juvenile law.

Legislative Committee

Honorable W. Timothy Finan, Chair

Honorable Stacy A. Mayer, Vice-Chair

Protect and promote the Judiciary's interests regarding new laws and initiatives.

Senior Judges Committee

Honorable James A. Kenney III, Senior Judge, Chair

Honorable Deborah S. Eyler, Vice-Chair

Advise the Chief Judge of the Court of Appeals and the Judicial Council on matters relevant to retired/recalled judges.

Specialty Courts and Dockets Committee

Honorable Nicholas E. Rattal, Chair

Honorable George Lipman, Vice-Chair

Promote and oversee the development, implementation, and evaluation of specialty courts and dockets in the courts.

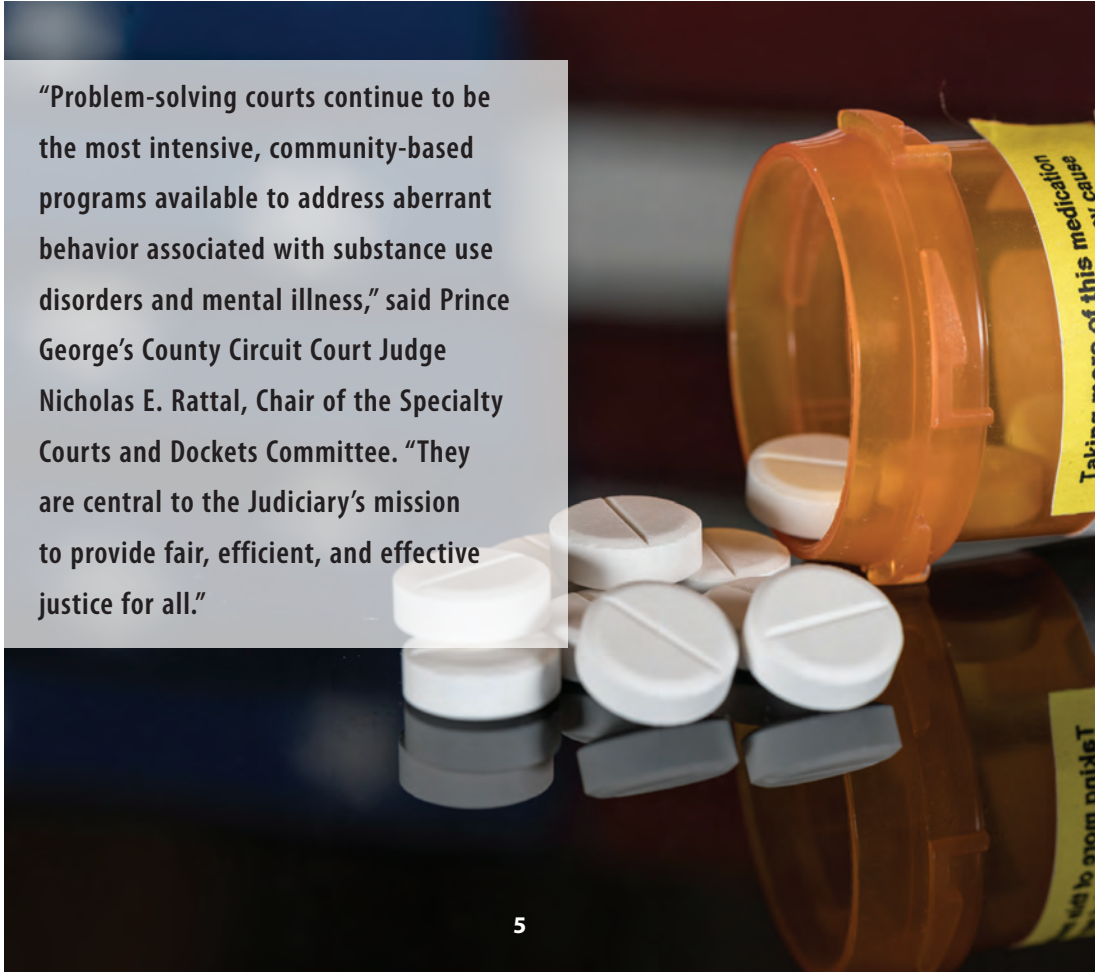
MARYLAND JUDICIAL COUNCIL

Specialty Courts and Dockets Committee

The Maryland Judicial Council is dedicated to the fight to overcome the opioid crisis in Maryland and making the Judiciary a key part of a concerted response. Maryland Courts are implementing four new adult drug treatment courts with the assistance of funding through the HOPE Act.

The Judicial Council's Specialty Courts and Dockets Committee promotes and oversees the development, implementation, and evaluation of specialty courts and dockets in the courts. These include drug treatment courts, which are innovative, accessible, and collaborative problem-solving courts, that address opioid abuse and addiction through a team-based treatment, support, and intervention program.

In 2017, the HOPE Act was enacted. This integrated emergency bill consolidates provisions to respond to the opioid crisis in Maryland, including the expansion and enhancement of Maryland drug treatment courts.



“Problem-solving courts continue to be the most intensive, community-based programs available to address aberrant behavior associated with substance use disorders and mental illness,” said Prince George’s County Circuit Court Judge Nicholas E. Rattal, Chair of the Specialty Courts and Dockets Committee. “They are central to the Judiciary’s mission to provide fair, efficient, and effective justice for all.”

Pursuant to the HOPE Act, State Court Administrator Pamela Harris assessed drug treatment court programs in Circuit Courts, including juvenile courts, and in the District Court “to determine how to increase these programs in a manner sufficient to meet each county’s needs,” and to “disburse grants authorized in the fiscal year 2019 (FY19) budget based on the population of each county.”

Four new adult drug treatment courts will be implemented in the first year with the assistance of this funding. The remaining funds will allow drug treatment court programs to expand and, with more defendants taking part, will provide needed support, such as drug testing (including higher costs for testing for fentanyl and carfentanil), transportation, housing, case management, and other ancillary services.

The additional \$750,000 in HOPE Act funding provided \$473,000 for expansion of existing drug treatment court programs and \$276,000 for new drug treatment court programs.

In addition to the expansion and enhancement of drug treatment courts, the HOPE Act established additional directives intended to expand access to opioid addiction treatment within Maryland communities and institutions, including the Behavioral Health Administration, Department of Public Safety and Correctional Services, and local hospitals.

Maryland’s deadly opioid crisis shows no signs of abating. More troubling, recent state data highlights a growing number of deaths due to fentanyl use. According to the Maryland Department of Health, there were 1,119 fentanyl-related deaths in 2016; just one year later, that number had risen to 1,594.

Eighty-eight percent of all intoxication deaths that occurred in Maryland in 2017 were opioid-related: heroin, prescription opioids, and non-pharmaceutical fentanyl. In the first six months of 2018, there were 1,325 unintentional drug and alcohol-related intoxication deaths in Maryland, a 12 percent increase over the same period in 2017. Of these, 1,185 were opioid-related deaths, including 1,038 fentanyl-related deaths (Information from the Maryland Department of Health).

Hope Act funding for new drug treatment courts	
Baltimore County District Court	\$49,338
Harford County Circuit Court	\$52,162
Somerset County Circuit Court	\$103,647
Washington County Circuit Court	\$71,625
TOTAL	\$276,772

County	FY19 allocation to expand existing drug treatment court program July 1, 2018 - June 30, 2019
Allegany County	\$8,723
Anne Arundel County	\$43,428
Baltimore City	\$97,848
Baltimore County	\$74,878
Calvert County	\$5,951
Caroline County	\$2,114
Carroll County	\$11,864
Cecil County	\$11,259
Charles County	\$9,525
Dorchester County	\$2,069
Frederick County	\$16,894
Harford County	\$19,826
Howard County	\$18,290
Montgomery County	\$57,881
Prince George's County	\$59,678
St. Mary's County	\$7,160
Talbot County	\$2,422
Washington County	\$13,080
Wicomico County	\$6,825
Worcester County	\$3,513
Total Estimated Cost: Expansion of Existing Drug Treatment Courts (Eligibility Changes)	\$473,228
Estimated Cost: New Adult Drug Treatment Courts	\$276,772
Total Budget Request Distribution of \$750,000 Based on Opioid Use Disorder (OUD) Need (Target Population)	\$750,000

Specialty Courts and Dockets Committee

The Maryland Judicial Council's Specialty Courts and Dockets Committee continued working "behind the scenes" to improve drug treatment courts. A major effort is establishing performance measures and training managers.

The Judicial Council's Specialty Courts and Dockets Committee has been working with the Office of Problem-Solving Courts (OPSC) to implement the objectives of a three-year grant. The grant was awarded to the Judiciary by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. "This grant has allowed us to partner with the National Center for State Courts (NCSC) to develop and implement performance measures for Maryland's adult drug treatment courts," said Prince George's County Circuit Court Judge Nicholas E. Rattal, Chair of the Specialty Courts and Dockets Committee. "Performance measures help improve drug treatment courts by setting standards of operation and keeping programs accountable."

This year, the NCSC, with input from OPSC, has been designing a training program, based on true-life scenarios, which will demonstrate how drug treatment court personnel can use these performance measures to address performance issues and challenges. The two-day, scenario-based training for all adult drug treatment court teams will be completed in fiscal year 2019.

"Training drug treatment court team managers to use performance measures as management tools is key to holding drug treatment court programs accountable for producing the intended results," said Gray Barton, Director of the Office of Problem-Solving Courts. "That makes for better drug treatment courts throughout the state."

Having identified evidence-based performance measures appropriate for Maryland's drug treatment courts in 2017, the Committee and OPSC started creating a comprehensive manual of those performance measures.

In 2018, performance targets, also known as "benchmarks," were developed by NCSC for each measure. Effectively designed and implemented performance measurement systems provide managers with tools to maintain control over their programs, as well as a mechanism for governing bodies and funding agencies to hold programs accountable for producing the intended results.

The adult drug treatment court performance measures were endorsed in 2018 by the Judicial Council. With performance measures and associated targets in place, Maryland adult drug treatment courts have a framework to conduct performance management.

The performance measures identified for Maryland's courts include:

- Target population
- Processing time
- Status hearings
- Procedural justice
- Supervision
- Sanctions and incentives
- Dosage
- Drug testing
- Social functioning
- Access and fairness
- Improve retention in program
- Establish sobriety
- Reduce in-program reoffending
- Reduce post-program recidivism

During fiscal year 2018, 3,796 people participated in Maryland's problem-solving courts. Judges and magistrates met with program participants more than 24,700 times in scheduled court hearings.

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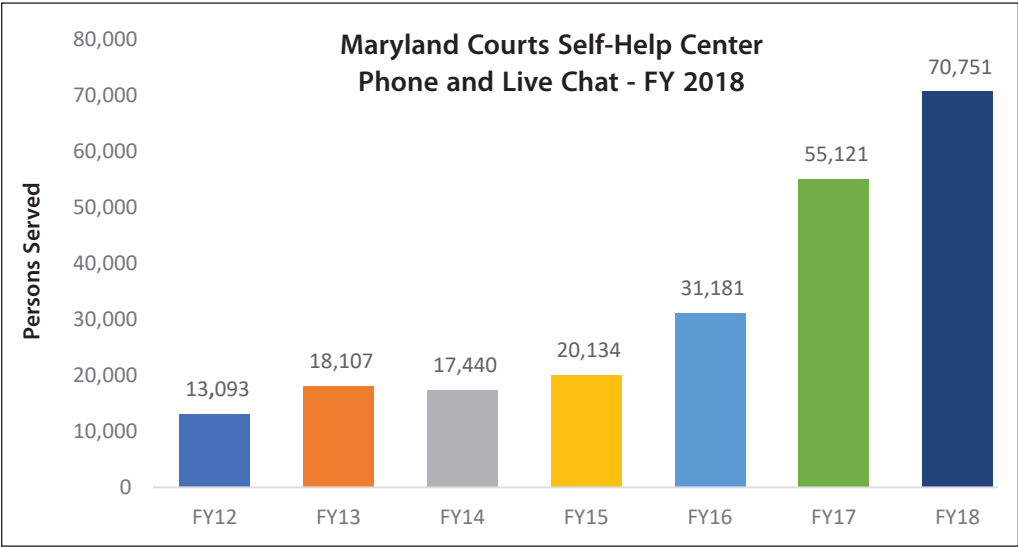
Court Access and Community Relations Committee

With the goal of improving access for self-represented litigants, the Judicial Council’s Court Access and Community Relations Committee has been guiding the development of resources through the Self-Represented Litigant Subcommittee. The Maryland Judiciary has enhanced, modernized, and fine-tuned self-help service delivery systems.

“Self-help resources are an essential component of the Maryland Judiciary’s strategic plan to ensure access to justice,” said Maryland Court of Appeals Chief Judge Mary Ellen Barbera. “These services help Marylanders use a combination of modern technology and direct one-on-one legal services to obtain the information and assistance they need.”

In fiscal year 2018, more than 20,000 people received assistance at the four District Court Self-Help Resource Centers in Baltimore, Glen Burnie, Upper Marlboro, and Salisbury.

“The Maryland Judiciary has an ongoing commitment to meaningful access to justice for people who may not have the resources to afford an attorney,” said Baltimore City Circuit Court Judge Pamela J. White, Chair of the Court Access and Community Relations Committee.



These walk-in centers provide information and legal advice in civil District Court matters, including landlord-tenant issues, small and large claims, domestic violence and peace orders, expungement, and consumer matters, such as car repossessions, debt collection, and credit card cases. In addition, each Circuit Court provides family law self-help centers or services, which serve more than 50,000 individuals each year.

Help is also available remotely by phone or online. The Maryland Courts Self-Help Center provides self-help services by phone, live chat, and email during the week from 8:30 a.m. until 8:00 p.m.

The Maryland Judiciary's network of self-help centers received the 2018 John Neufeld Court Achievement Award of the Mid-Atlantic Association for Court Management (MAACM). The award acknowledges a group or court system in the Mid-Atlantic Region that develops or implements a significant or unique educational program.

The new Maryland Court Self-Help Center in Frederick opened in 2018 to serve the full range of civil matters.

The Maryland Court Self-Help Center in Frederick provides assistance in any civil case type. People who visit the Frederick County Courthouse, which houses both the District Court and Circuit Court, are able to get the help they need.

"The new center represents a significant expansion in the Judiciary's network of self-help services," said District Court of Maryland Chief Judge John P. Morrissey. "Through these services, the Judiciary provides resources for the many people who need assistance in understanding their rights."

The Maryland Court Self-Help Center in Frederick is jointly staffed by the Maryland Center for Legal Assistance (MCLA) and Circuit Court, which provide in-person assistance anytime during court hours.

"It is tremendous that we can offer resources right here in the courthouse," said Frederick County Circuit Court Administrative Judge Julie R. Stevenson Solt. "When people come to the courthouse with legal questions about civil matters, this center will be the first step for them. Litigants can find help navigating the courts, finding legal information, and accessing other resources to help them prepare for their cases."



In July 2018, Frederick County Circuit Court Administrative Judge Julie R. Stevenson Solt welcomes attendees at a ribbon cutting celebrating the opening of the Maryland Court Self-Help Center in Frederick.

The Judiciary continues to improve existing programs and identify new areas in which to expand access:

- Attorneys at the Maryland Courts Self-Help Center teach monthly, one-hour webinars for litigants on topics like divorce, small claims, and rent court for landlords and tenants.
- The District Court Self-Help Resource Center in Upper Marlboro is working with the private bar to staff a pro bono program called “Justice for Lunch.” This program connects unrepresented litigants seeking help with expungements of criminal records with attorneys who draft petitions and provide legal advice.
- The Access to Justice Department is collaborating with the Department of Juvenile and Family Services to encourage existing family law self-help centers to expand to serve all civil case types in Circuit Courts.
- In September 2018, the Judiciary held the first statewide conference for Maryland’s self-help providers, including staff attorneys, contract attorneys, pro bono attorneys, and non-attorney staff. The conference took place in Annapolis and brought providers together to share knowledge and provide training and support for Judiciary-based self-help center service providers.

In fiscal year 2018, Maryland Court Self-Help Centers helped more than 144,000 Marylanders. The Court Access and Community Relations Committee expanded outreach efforts to reach litigants who may be unaware of the services available to them.

Earlier outreach campaigns focused on walk-in centers; in 2018, the Maryland Judiciary reengineered outreach efforts to promote remote services, which make civil legal help available to those who live in rural jurisdictions or who may not be able to access walk-in centers. Advertising efforts focused on local print and online publications to remind people they can get legal help via phone, live chat, and email. Online graphics invite viewers to “click to chat” directly with an attorney at the Maryland Courts Self-Help Center. Local courts, justice partners, and nonprofit organizations are encouraged to place the chat button on their websites.

The Judiciary promotes self-help center services and other resources for self-represented litigants by staffing community events and working with state and local organizations, including the Motor Vehicle Administration, Division of Parole and Probation, and nonprofit organizations. These collaborations encourage partners to refer unrepresented litigants with civil legal needs to self-help centers.

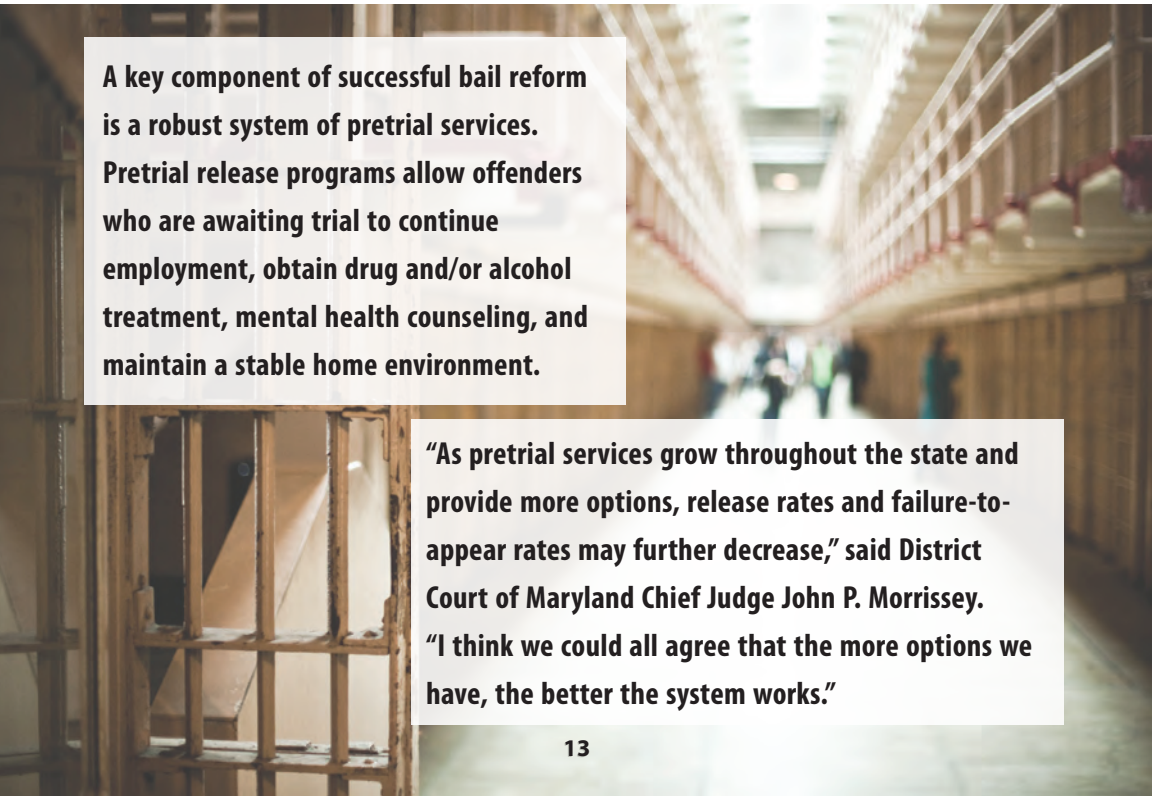
In May 2018, the Maryland Judiciary held a statewide summit in Annapolis to explore alternatives to pretrial incarceration. The 2018 Pretrial Summit was held after approval of revisions to the Maryland Rules on pretrial release.

More than 200 stakeholders and justice partners, including judges, wardens, sheriffs, public defenders, state's attorneys, and other key officials attended the summit. Attendees worked together in teams to investigate and plan ways to develop and run pretrial services of varying funding and complexity.

Experts from across the country shared information about identifying effective pretrial systems, best practices for communication and messaging, risk assessments and pretrial release decisions, supervision and monitoring, substance abuse and mental health issues, and funding and resources.

The summit helped to advance bail reform after the Court of Appeals made changes to Maryland Rules on pretrial release to provide guidance to judicial officers regarding pretrial release of arrested individuals.

Maryland Rule 4-216.1 and related rules guide pretrial release decisions made by judges and commissioners. To prepare for its implementation, leadership in the District Court and Circuit Courts sent letters of advice to judges and commissioners in October 2016.



A key component of successful bail reform is a robust system of pretrial services. Pretrial release programs allow offenders who are awaiting trial to continue employment, obtain drug and/or alcohol treatment, mental health counseling, and maintain a stable home environment.



"As pretrial services grow throughout the state and provide more options, release rates and failure-to-appear rates may further decrease," said District Court of Maryland Chief Judge John P. Morrissey. "I think we could all agree that the more options we have, the better the system works."

Maryland Rule 4-216.1 and related rules took effect on July 1, 2017, establishing new criteria for setting pre-trial release conditions. Since implementation, the use of cash bail has been falling dramatically.

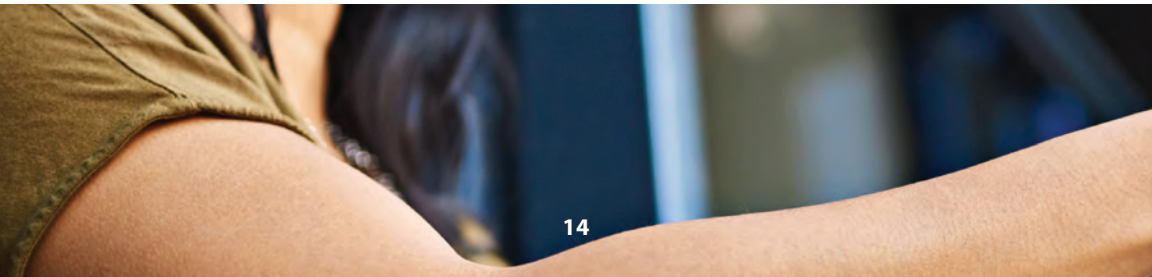
In 2018, statewide commissioner data were compared to two time periods, including October 2015 through October 2016 and November 2016 through August 2018, to examine the effects of the change. The data determined:

- The number of individuals released at initial appearance increased from 48 percent to 55.8 percent.
- The number of individuals who were given a cash/financial bail decreased from 43.2 percent to 23.6 percent.
- The number of individuals held without bond, which includes both discretionary and statutory decisions by the commissioners, increased from 8.8 percent to 18.4 percent.

Comparing statewide data for defendants who were detained by commissioners and seen by a judge for a bail review during the same period:

- The percentage of individuals released on their own recognizance increased from 3.4 percent to 6.3 percent.
- The percentage of individuals released on unsecured bond increased from 1.8 percent to 2.3 percent.
- The percentage of individuals held in default of bond decreased from 27.8 percent to 12.2 percent.
- The percentage of individuals held without bond increased from 6.2 percent to 14.1 percent.

The enactment of the Justice Reinvestment Act and the change to the Maryland Rules on pretrial release have provided the impetus for efforts throughout the state to implement pretrial services programs.



MARYLAND JUDICIAL COUNCIL

Alternative Dispute Resolution Committee

In 2018, the Judicial Council's Alternative Dispute Resolution (ADR) Committee opened doors to new ADR programs, worked with other Judicial Council committees to develop new programs for case types that are appropriate for mediation and other forms of ADR, and supported consistency in programs across the state.

In 2018, the Circuit Court for Baltimore City launched the first Early Neutral Evaluation (ENE) program in Maryland's courts. ENE is a flexible process in which a senior (retired) judge evaluates the strengths and weaknesses of the case, and may suggest a settlement range. The Baltimore City ENE program focuses on matching the right ADR process to the right case. This unique approach offers more ADR options early in the case timeline, and provides parties and their attorneys with a choice of process (ENE, mediation, or settlement conference) that they think will be most helpful for their case. The Baltimore City model will be evaluated and, if successful, could be replicated in other courts.

ADR efforts at the District Court level were also a focus in 2018 and, with support from the District Court Subcommittee of the ADR Committee, the District Court ADR Office started expanding programs. In 2018, the District Court added four new pretrial programs that seek to move appropriate cases to mediation earlier in the case timeline. The District Court now has 13 such programs around the state.

The ADR Committee also supports new ADR opportunities, including ADR for case types that have not typically been considered. Two examples include guardianship and Orphans' Court.

The ADR Committee continued to provide support to the Domestic Law Committee's Guardianship and Vulnerable Adults Work Group to develop a plan to offer mediation to appropriate guardianship cases. In 2018, the Work Group identified the steps necessary to create a pilot project, which include identifying the right location, training mediators on guardianship matters, building a referral mechanism, and making choices about the mediation style and framework. Once a suitable location for the pilot is selected, the stakeholders for the program will be invited to discuss the program structure and details, and mediators will be trained on guardianship issues.



A photograph of three women sitting around a table in a meeting. The woman in the center is looking down at a document. The woman on the left is looking towards the center. The woman on the right is looking towards the center. A white mug is on the table in front of the woman on the left. A yellow folder is on the table in front of the woman on the right.

“Maryland’s courts have offered formalized mediation programs for almost 25 years,” said Harford County District Court Judge Mimi Cooper, Chair of the Alternative Dispute Resolution Committee. “However, there is an ongoing need to improve awareness, understanding, and effective usage of mediation and other forms of ADR within the courts.”

In 2018, the ADR Committee supported the adoption of ADR rules in the Orphans’ Court, the continuation and growth of the Orphans’ Court ADR program in Prince George’s County, and the exploration for a similar program in Baltimore City.

The Maryland Judiciary has supported ADR initiatives for many years and has invested resources to support successful programs. The Judiciary recognizes that ADR provides an opportunity to relieve heavy dockets, thereby permitting judges to give their time and attention to the matters that most need them. In addition, ADR research conducted in Maryland found that litigants who went to ADR were more likely to report that all of the issues were resolved, as compared to those who went through the regular court process. Participants who reached agreements in ADR were more likely to be satisfied with their court experience, as compared to those who settled on their own.

In addition to a higher satisfaction rating with their court experience, the research found that people who reached agreement in ADR were half as likely to return to court for an enforcement action as compared to people who either reached an agreement outside of ADR or who went to trial.*

* See report summaries and full reports at mdcourts.gov/courtoperations/adrprojects.

The ADR Committee supported efforts to develop practitioner skill-building curricula to help mediators improve their skills.

New training programs have been developed with curricula that are informed by the results of the Judiciary’s five-year research studies.*

“Helping practitioners improve their skills benefits the courts, the ADR programs, and the litigants who use them,” Harford County District Court Judge Mimi Cooper said. “The research findings suggest that using certain skills and techniques will lead to more satisfied consumers, and to more durable and personalized agreements. Those are positive results for the courts and for litigants, and that is why we develop the new training programs based on the research findings.”

In 2018, a new program was added to the Judiciary’s mediation skill-building training programs. Typical mediation skills include reflecting, eliciting, brainstorming, and questioning. The latest module focuses on “caucusing,” which is a technique where participants stay in separate rooms and the mediator goes back and forth between the rooms, enlisting a type of shuttle diplomacy to further the conversation.

The new training presents the research and findings about using caucuses to mediators, and then provides tools and techniques for how mediators can keep participants in the same room for a greater percentage of time. However, the research findings indicate that the greater the time spent together during the mediation, the greater the likelihood participants will report they were satisfied with the process and the outcome.

* See report summaries and full reports at mdcourts.gov/courtoperations/adrprojects.



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Work Group on Human Trafficking

Over the past year, the Judicial Council's Work Group on Human Trafficking has made significant progress in efforts to confront and combat human trafficking.

In Maryland, as in many other states, human trafficking (both sex and labor) continues to be a significant problem. In 2017 alone, the national hotline received 446 calls from Maryland, which resulted in the identification of 138 victims, 86 traffickers, and 24 trafficking businesses. Compared to other neighboring areas, the hotline received only 50 calls from Delaware (resulting in the identification of 20 victims) and 234 from the District of Columbia (resulting in the identification of 94 victims).

In October 2015, Maryland Court of Appeals Chief Judge Mary Ellen Barbera led a delegation to the National Human Trafficking Summit in New York. The summit provided invaluable information about the scope and complexity of the issue. After returning from the summit, Chief Judge Barbera convened a new Work Group of judges to examine issues related to human trafficking in Maryland.

There are many factors that contribute to the high rate of trafficking in Maryland: the state lies in the middle of the highly populated Eastern Seaboard; Interstates 95 and 81 (North-South) and 70 (East-West) crisscross the state, carrying a multitude of tractor-trailers; major transit hubs, including Baltimore/Washington International Thurgood Marshall Airport, are easily accessible; and there are many casinos, sports arenas, and other social gathering places clustered together.

The Judicial Council's Work Group on Human Trafficking was charged with developing and implementing plans to educate judges, magistrates, appropriate Judiciary staff, and justice partners on issues related to human trafficking. In addition, the Work Group was asked to identify other resources and best practices for helping victims of human trafficking who come into the court system.

The Work Group's largest ongoing project in 2018 was the three-year, multimillion dollar grant from the U.S. Department of Justice, Office for Victims of Crime, which was awarded to the University of Maryland in October 2016. The Judiciary is one of several sub-grantees and is committed to using the grant funds to develop educational materials for judges and magistrates.

New training curriculum was developed that can be used for judges and magistrates across the state. The program has both full- and half-day options.

“Maryland is a relatively small state, but it faces big challenges in dealing with human trafficking,” said Baltimore City District Court Judge Barbara Baer Waxman, Chair of the Judicial Council’s Work Group on Human Trafficking.



Great strides were also made in developing an online course. The content of the first module has been completed, and the second is underway. Bench cards have also been developed and are under review. A comprehensive binder of written materials is also in development and will be completed by the end of 2019.

In addition to developing educational materials, the Work Group has shared information and raised awareness about human trafficking with justice partners locally and nationally. These presentations included:

- The National Association of Court Management Conference, where representatives collaborated with a judge from California’s Growth Renewed through Acceptance, Change and Empowerment (G.R.A.C.E.) Court to speak to a national audience on increasing awareness and improving judicial practices in cases involving sex trafficking.
- The Partners for Justice Conference, where a panel discussion on human trafficking cases was presented in collaboration with the Human Trafficking Prevention Project.
- The statewide Maryland Judicial Conference, which included a plenary session and multiple breakout sessions on human trafficking.
- The Fifth Circuit’s Judicial Conference, presenting jointly with the University of Maryland School of Social Work.
- The Legal Track portion of the second annual statewide human trafficking conference at the University of Baltimore School of Law, which was presented in conjunction with the Human Trafficking Prevention Project.

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Domestic Law Committee

In 2016, the Judicial Council endorsed 25 recommendations for improving guardianship court processes. The Judicial Council's Domestic Law Committee's Guardianship and Vulnerable Adults Work Group has been working on their implementation, making further strides in 2018.

"These 'behind the scenes' recommendations demonstrate the Judiciary's commitment to protect some of our most vulnerable citizens," said Montgomery County Circuit Court Judge Cynthia Callahan, Chair of the Domestic Law Committee. "The recommendations are the product of the work of the Guardianship and Vulnerable Adults Work Group, under Senior Judge Karen Jensen's leadership. By ensuring guardianship best practices are employed consistently across the state, we are helping to ensure the safety and well-being of people subject to guardianship, and the safe and effective management of medical, housing, and economic rights in guardianship matters."

On January 1, 2018, amendments to Title 10 of the Maryland Rules, which covers guardianships, went into effect. These amendments:

- Improve the content and quality of certificates of competency;
- Clarify how courts are to assess attorney's fees in guardianships;
- Clarify the role of independent investigators in guardianships;
- Establish training and eligibility requirements for court-appointed guardianship attorneys and guardians;
- Provide factors for courts to consider when deciding whether to require a guardian of the property to file a bond; and
- Provide courts guidance on when to decide "good cause" exists to appoint as guardian a person convicted of a disqualifying offense.

Anticipating the effect of the rule changes, the Work Group directed the development of resources to help the public and other justice partners.

A new orientation video covers the practical aspects of what it means to be a court-appointed guardian. Another video examines the ethical considerations for attorneys serving in the role of guardian.

Courts now have access to templates to use for in-person post-appointment training programs. These are based on the Maryland Guidelines for Court-Appointed Guardians of the Person and the Maryland Guidelines for Court-Appointed Guardianship of the Property. There are also online versions of the training programs to which courts can direct guardians.



Introduction to Adult Guardianship

“Problems in guardianships often occur because guardians are unclear about their role or responsibilities,” Senior Judge Karen Jensen said. “The videos are part of our efforts to equip guardians with the tools and information they need to be successful.”



Working closely with local bar associations and other justice partners, new online training that meets the Maryland Guidelines for Court-Appointed Attorneys was made available on the Maryland Courts website.

The Work Group also supported the Maryland State Bar Association in hosting a live training. There is now a webpage with information about the new requirements for court-appointed attorneys and a roster of attorneys who have demonstrated they are eligible for appointment in guardianship proceedings. The Work Group provided, and continues to provide, support to judges, court staff, executive branch representatives, private attorneys, legal services providers, and other external partners who are navigating the new rules and resources.

To comply with the new rules, existing guardianship forms were revised and new forms were created as needed. Further content was developed for a new guardianship webpage that features orientation and training programs, checklists, guardianship forms, and other resources. Comprehensive guardianship content is being developed for each of the Judiciary website’s five language portals (Chinese, French, Korean, Russian, and Spanish). Video resources for guardians were posted on the Judiciary website in May 2018; the new guardian video series includes short videos as part of the post-appointment training programs for guardians.

The American Bar Association's Commission on Law and Aging recognized the Judicial Council's Domestic Law Committee's Guardianship and Vulnerable Adults Work Group as a WINGS (Working Interdisciplinary Network of Guardianship Stakeholders) entity. WINGS is a court-led, problem-solving partnership that drives guardianship reforms and is considered a "best practice."

Progress was made in other areas of guardianship and vulnerable adults in 2018:

- Additional rules amendments were developed to clarify certain court processes and promote uniformity in how courts manage guardianship cases. Working with representatives from the U.S. Department of Veterans Affairs, new rules amendments were developed regarding guardianships of veterans.
- Amendments to the rules structuring an expedited process for guardianships of adults in need of a non-emergency medical intervention were made to maintain the procedural protections Maryland law affords.
- Efforts were made to expand the use of alternative dispute resolution (ADR), with the goal of encouraging courts and parties to use ADR to avoid guardianship and resolve conflicts without the need for court intervention.
- Working with an external immigration advocacy group, forms were developed to help parties seeking to take advantage of Senate Bill 1239 (Appointment or Designation of Standby Guardian – Adverse Immigration Action), which enables a standby guardianship process for use by parents who may be subject to an adverse immigration action. In consultation with the Standing Committee on Rules of Practice and Procedure, the court process for these cases was clarified.
- Monthly conference calls were held with liaisons and guardianship staff from courts around the state to share ideas and resources, raise concerns, solve problems, and gain feedback.



MARYLAND JUDICIAL COUNCIL

Education Committee

The Judicial Council's Education Committee supported the Judicial College's transition to proficiency-based education.

Proficiency-based education (PBE) targets skill gaps and offers a personalized approach to training that is customized to meet the specific requirements of Judiciary classifications. At its foundation, this kind of training focuses on statements that outline the awareness, knowledge, and skills necessary for the effective performance of a job responsibility.

"The Education Committee, in collaboration with the Judicial College, continued to implement a performance-based education and training system based upon the science and art of teaching adult learning," said Harford County District Court Judge Susan H. Hazlett, Chair of the Education Committee.

The Judicial College formed work groups with subject matter experts from within the various PBE categories, drawing on their experience and expertise to support the design and development of proficiency-based training. The Judicial College, with the support of the work groups, is developing proficiency-based training for the following groups:

- Supervisors and managers
- Commissioners
- Administrative judges
- Judicial assistants
- Judiciary clerks
- Courtroom clerks

"This approach supports the Judiciary in being on the cutting edge of best practices in adult learning continuing education in a justice system, while forging ahead in living the Judiciary's vision of advancing justice for all who come to Maryland's courts."

**Judge Susan H. Hazlett
Harford County District Court**

In 2018:

- 59 Judicial Education classes were held, with 1,751 class enrollments.
- 135 Professional Development courses were offered, an 18 percent increase over 2017, with 1,924 attendees in face-to-face courses, 231 in webinar courses, and 88 in online courses.
- In Technology Education, 16 online courses and 196 onsite courses were offered, with a total of 1,720 attendees.
- A standard set of education-related templates for course materials was created.
- “Training of Trainers” was offered to all volunteer faculty.
- Judicial education offerings were expanded to include field trips and on-site coursework.
- The Judiciary Tuition Assistance and Reimbursement Program was automated.
- The format for the Judicial Conference was expanded to include adult learning approaches (e.g. peer-to-peer).
- An educational conference was developed and held in November for magistrates.

Last year, the Judicial College Education and Conference Center in Annapolis welcomed 17,225 visitors to 1,006 events.







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