



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

Matthew T. Barrett, Vice-Chair
Conference of Circuit Court Administrators

Hon. Pamila J. Brown
Howard County District Court

Tamera Chester, Administrative Clerk
District Court

Hon. Kathleen Gallogly Cox, Chair
Conference of Circuit Judges

Hon. Amy J. Craig, Chair
Conference of Circuit Court Clerks

Pamela Harris
State Court Administrator

Doug Hofstedt, Chair
Conference of Court Administrators

Hon. James A. Kenney III, Chair
Senior Judges Committee

Hon. Laura S. Kiessling, Vice-Chair
Conference of Circuit Judges

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

Hon. Timothy W. Miller Vice-Chair
Conference of Circuit Court Clerks

Hon. Patricia L. Mitchell
Montgomery County District Court

Hon. John P. Morrissey, Chief Judge
District Court

Hon. W. Michel Pierson
Circuit Court for Baltimore City

Cheryl Miller, Administrative Clerk
District Court

Hon. Gerald V. Purnell
Worcester County District Court

Hon. Dorothy J. Wilson
Baltimore County District Court

Roberta Warnken, Chief Clerk
District Court

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

Hon. Brett W. Wilson
Circuit Court for Dorchester County

Hon. Patrick L. Woodward, Chief Judge
Court of Special Appeals

Faye Gaskin, Secretary
(410) 260-1257

MARYLAND JUDICIAL COUNCIL

Meeting Location:

Judicial College Education and Conference Center

Upper Level 4 & 5

MARYLAND JUDICIAL COUNCIL

Minutes

May 30, 2018

Judicial Council Members Present:

Hon. Mary Ellen Barbera, Chair

Hon. Pamila J. Brown

Hon. James A. Kenney, III

Hon. Laura S. Kiessling

Hon. Patricia L. Mitchell

Hon. John P. Morrissey

Hon. W. Michel Pierson

Hon. Alan Wilner

Hon. Gerald V. Purnell

Hon. Dorothy J. Wilson

Hon. Brett W. Wilson

Pamela Harris

Douglas Hofstedt

Roberta L. Warnken

Cheryl Miller

Tamera Chester

Others Present:

Hon. Nicholas E. Rattal

Hon. Sean D. Wallace

Hon. E. Gregory Wells

Hon. Gary Everngam (via telephone)

Stacey Saunders

Jonathan Rosenthal

Kelley O'Connor

Suzanne Schneider

Carole Burkhart

Tyler Jones

Melinda Jensen

Lou Gieszl

Pamela Ortiz

Robert Bruchalski

Jeffry Huddleston

Ryan Swartz

Renée Abbott

Suzanne Pelz

Valerie Pompey

Eliana Pangelinan

A meeting of the Judicial Council was held Wednesday, May 30, 2018, at the Judicial College Education and Conference Center, beginning at 9:33 a.m. Chief Judge Barbera called for approval of the minutes of the previous meeting, which were approved by common consent.

1. Court Technology Committee

- a. *Initiatives.* Robert Bruchalski and Jeffry Huddleston updated the Council on the following Court Technology Committee initiatives from the Strategic Plan checklist:

MDEC. Mr. Bruchalski stated that with the successful launch of MDEC in Carroll, Howard, and Harford Counties in April 2018, 20 of 24 jurisdictions are now on MDEC. The Court of Special Appeals will be fully functional on MDEC with the completion of the conversion of data from its legacy system on August 20, 2018. Mr. Bruchalski also briefed the Council on several risk factors to the 2019 schedule. These risks include: challenges with larger jurisdictions; new functionality requirements (DV Office); the new conversion and custom code for Montgomery County; introducing the statewide upgrade from Tyler Odyssey 2014 to Tyler Odyssey 2018; and retrofitting Tyler Odyssey 2018 for jurisdictions already using MDEC.

Attorney Information System (AIS). The objective of the AIS system is to consolidate and integrate attorney-related data and functions to improve the quality and availability of attorney data. To date, 66 percent of attorneys have registered on AIS and of those attorneys, 8,000 have changed their address and 14,000 have made changes to their contact information. Mr. Huddleston noted that overall, the online updates and changes to AIS's capabilities have saved CPF approximately 88 business days' worth of work.

Chief Judge Barbera inquired into the success rate of attorneys paying their annual assessments online. Mr. Huddleston stated that, to date, of the 40,000 attorneys in AIS, 19,000 payments have been processed.

Mr. Bruchalski stated that the next phase for AIS is to allow Pro Bono/IOLTA reporting within the system. He noted that this would require Rule changes. Currently, the following Rule changes have been submitted and are targeted for June/July 2019:

- ❖ To consolidate the attorney compliance for Pro Bono/IOLTA reporting with the Client Protection Fund invoicing to create one annual report and fee payment.
- ❖ To phase out paper reporting and implement electronic delivery of notices.
- ❖ To change the reporting cycle from calendar year to fiscal year.

Email Retention Workgroup. The Email Retention Workgroup is continuing the process of migrating all judicial branch emails onto the MDCourts.gov domain in Outlook. Anne Arundel County has been the most recent county to make the transition with Baltimore and Carroll Counties to follow this summer, after which the workgroup intends to begin discussing migration plans with Prince George's and Montgomery Counties. Mr. Bruchalski stated that one issue they continue to

encounter is calendar sharing issues between Gmail and Outlook. Until this issue is resolved, affected counties will continue utilizing the Gmail calendar system.

Secure CaseSearch. In conjunction with the CaseSearch Subcommittee and the Major Projects Executive Steering Subcommittee, JIS has introduced four security groups/levels of access for Secure CaseSearch in compliance with the Maryland Rules. Mr. Bruchalski explained that they are still in the process of determining the levels of access for different law enforcement agencies. It is anticipated that Court of Special Appeals data will be included on CaseSearch after the final conversion in August 2018.

Virtual Desktop Infrastructure (VDI). The Virtual Desktop Infrastructure, or VDI, gives users the ability to remotely access their desktops 24/7. Technology Education is finalizing video content for the online training that will provide users information regarding best practices including, installing VDI and how/when to use it. Mr. Bruchalski stated that VDI is especially beneficial to judges as it allows them to remotely access Odyssey using their laptops. Another benefit of VDI, Mr. Bruchalski noted, is that it would allow for courts to go to contingent facilities in their COOP plans and be able to access their files and applications remotely. The next step for VDI is to look at the deployment strategy to create a schedule and develop priorities.

Judge Purnell questioned whether the GlobeTech software would be replaced by VDI. Mr. Bruchalski stated that VDI is intended to replace remote access tools currently in place. Members of the Council asked Mr. Bruchalski to provide an overview of the different technologies accessible to the Judiciary. Mr. Bruchalski stated that currently, the Judiciary uses ShareFile, Microsoft Office 365, and SharePoint. Microsoft Office 365 is a web-based application that is licensed to allow users access to Microsoft Office applications as if they are sitting at their desk. SharePoint is the Judiciary's file sharing system. ShareFile is a tool that allows users to share a large number of documents in a cloud-based library. It can be used to send documents to persons outside of the Judiciary. Mr. Bruchalski and Mr. Huddleston stated that they would work with Technology Education to create FAQs and quick reference guides (QRGs) to provide users with more information on these different systems.

- b. *Pilots*. Mr. Bruchalski and Mr. Huddleston briefed the Council on the current pilot projects the Court Technology Committee is working on, including:

Remote Video Interpreter. The Court Technology Committee is working with Pamela Ortiz from the Access to Justice Department on the pilot for the Remote Video Interpreter system. The pilot will commence in June 2018 in the Circuit Court for Wicomico County and the District Court for Worcester County. At the conclusion of the pilot, the Court Technology Committee will evaluate the results to make determinations for future implementations and protocols. The Administrative Office of the Courts is in the process of reviewing and drafting protocols with generic terminology that will allow for changes in technology as they occur.

Chief Judge Barbera asked for an overview on how the Remote Video Interpreter system works. Ms. Ortiz explained that the system has a virtual courtroom set up and each courtroom has a counsel table, a large screen display, a specialized phone, a microphone, and headphones that the defendant and attorney can use. The bench will also have a controller to control the sound in the courtroom. Each location will have its own system, which will allow the interpreter to select when he or she is broadcasting to the courtroom as opposed to just the defendant and attorney. This is different from video conference equipment, Ms. Ortiz indicated, because the video conference equipment does not allow the interpreter to speak privately with the attorney and defendant. Thus, the interpreter system allows for the preservation of the attorney-client privilege. Ms. Ortiz stated that they are also setting up an interpreter workstation in the Access to Justice Office in Annapolis and in Montgomery County so that interpreters are not required to travel across the state.

Business Centers. The Court Technology Committee is piloting the creation of designated workstation(s) and scanner(s) for attorney use at courthouses. These workstations would permit attorneys to use the internet to access their email, business sites, and File and Serve, as well as to use a USB drive to upload/download files and scan and print their files. The program is currently being piloted in the law library at the Circuit Court for Howard County. Mr. Bruchalski explained that the computers being used are isolated from the Judiciary's network and secured to prevent workstation alteration or security breaches. The general feedback from the pilot has been positive and JIS will continue to monitor the usage of the workstations and determine a rollout schedule.

Judge Brown inquired as to whether the Court Technology Committee has considered piloting the business centers in the District Court as well. She noted that there are more practitioners in the District Court than in the Circuit Courts. Mr. Bruchalski explained that they are capable of expanding the pilot to one additional site and will determine whether security parameters are adequate enough to do so.

Text Notification. The purpose of the text notification pilot is to create a text reminder system for scheduled appearance dates. The Commissioner Public Defender Eligibility (PDE) system will be used for the pilot, allowing defendants to enroll in text notifications while applying for Public Defender assistance. Participants will receive text notifications and reminders for scheduled court dates, as well as any changes to those dates. Mr. Bruchalski noted that participants may elect to unsubscribe from the notifications at any time. Pamela Harris asked whether a record would be kept for those who choose to unsubscribe. Mr. Bruchalski stated that he would communicate with the project team to determine how this functionality would work. The pilot is targeted to begin in the fall.

- c. *Future Initiatives.* Mr. Bruchalski and Mr. Huddleston briefed the Council on the following future initiatives:

Audio Recording. Mr. Bruchalski provided an update on the Audio Recording Workgroup. To date, the workgroup has developed a survey tool and disseminated it to all jurisdictions to gather necessary information pertaining to storage, retention, and retrieval needs. The survey results have been compiled and a report will be provided to JIS for review and solution determination.

CaseSearch 2.0. CaseSearch 2.0 is a redesign of the current version of CaseSearch, which was implemented in 2006. The redesign will allow for the ability to shield records and restrict access at a more granular level, including the creation of security groupings to control information access. It is scheduled to parallel the completion of the MDEC rollout.

2. **Business and Technology Subcommittee**

At the January 24, 2018, Council meeting, Judge Nicholas Rattal provided a brief overview of the work of the Business and Technology Subcommittee, noting that the subcommittee had considered a number of recommendations regarding the management of business and technology cases that were proffered by an ad hoc task force of the Maryland State Bar Association's Business Law Section. Judge Rattal, along with Judge Sean Wallace, presented the recommendations to the Conference of Circuit Judges at its March 19, 2018, meeting. They appeared before the Council to more fully discuss the recommendations and to seek approval of the same. Judge Kiessling also briefed the Council on the sentiment expressed by the Conference of Circuit Judges with respect to the recommendations.

The recommendations, in summary, primarily included three proposals. Proposal A would create a statewide business court with anywhere from three to four judges designated by the Chief Judge of the Court of Appeals to serve as program judges to handle business and technology cases statewide. The judges would meet quarterly and cases would be assigned on a rotating basis. With Proposal B, a statewide program coordinator would be hired and would be responsible for reviewing and assigning cases to business and technology judges; developing uniform forms, procedures, and protocols; monitoring the assignment of judges, publication of opinions, and educational programs; and maintaining the business and technology website. The coordinator would report to the Chief Judge of the Court of Appeals, but administrative judges would retain authority over the business and technology judges. The final proposal, Proposal C, involves the creation of a program advisory board, whose membership would include judges and practitioners, as well as business and community leaders. In addition to being responsible for the tasks delineated in Proposal B, the board would review the program every three years and submit its findings and recommendations to the Chief Judge of the Court of Appeals. In addition, the board would appoint a subcommittee of business and technology judges to review opinions prior to publication. Other recommendations were to consider for inclusion in the business and technology program only those cases where the complainant is seeking a minimum of \$100,000, an increase in filing fees to fund ongoing education for the judges, and publication of the written opinions on the Judiciary's website.

Judge Kiessling stated that before the recommendations were presented to the Conference of Circuit Judges, the administrative judges from the five largest jurisdictions met to discuss the proposals. The meeting was prompted by the fact that during the previous year only 53 cases were categorized as business and technology matters, 29 of which were in Montgomery County, 22 in the remaining four largest jurisdictions, and two in the smaller jurisdictions. Judge Kiessling stated the Conference as a whole also considered the recommendations and agreed to recommend to the Council the creation of a workgroup, under the Specialty Courts and Dockets Committee, to address issues and concerns related to the management of business and technology cases. The Conference opposed the creation of a task force or committee as the members were of the opinion that such a task force would not align with the Judiciary's committee structure. The workgroup, if created, would allow for the inclusion of non-Judiciary members, including the University of Maryland School of Law and MSBA members. Ms. Harris stated that five or six administrative judges from the larger jurisdictions should also be a part of the workgroup as they will be the most impacted.

Chief Judge Barbera inquired as to the proposed timeframe for the workgroup. The Council discussed whether the workgroup could conceivably be an ongoing body or whether it should be given a sunset provision. Judge Rattal stated that the committee discussed this and determined that at least three years would be necessary. Judge Wallace stated that he believes the recommendation should be for a limited duration. Judge Mitchell noted, and Judge Kenney agreed, that if there is a sunset provision, it could be extended if necessary.

Judge Kiessling made a motion, on behalf of the Conference of Circuit Judges, to create a workgroup, and Judge Brown seconded the motion. Judge Pierson made a friendly amendment to the motion. The amendment was accepted and the motion, as amended, was to create a workgroup under the Specialty Courts and Dockets Committee to address business and technology case management issues and concerns as recommended by the taskforce to include, but not be limited to the consideration of criteria for selection and caseload statistics, training, and resources. The motion passed.

Following discussion, the Council agreed that the workgroup would be created for a year with the opportunity to be re-established.

3. **Security Training Update**

Renée Abbott and Ryan Swartz, both of Judicial Information Systems (JIS), updated the Council on the Wombat Security training program pilot. Ms. Abbott presented the 2018 first quarter training results, noting that the numbers only reflect security essentials training completed before the deadline. She stated that 76 percent of employees completed the training during the assignment period; 23 percent did not complete the training during the assignment period; and 1 percent started but did not complete training during the assignment period. Ms. Abbott noted that the Court Technology Committee recommended a year to pilot the training then re-evaluate to determine the ramifications for not completing training if it were deemed mandatory.

Ms. Abbott briefed the Council on future security training initiatives. The first initiative is the Outlook Phish Alarm button where suspicious emails could be reported to JIS. The button would deliver the email and pertinent information so that JIS could quickly evaluate it. The second initiative involves phishing campaigns to test user awareness. After the pilot cycle is complete, JIS will test users with random, suspicious emails. The final initiative is to report training assignment completion in CONNECT for managers to review.

Chief Judge Barbera inquired as to whether deleting a suspicious email is advisable. Ms. Abbott stated that deleting the email is okay; it is only harmful when users click on a link in the email. She also discouraged attempting to unsubscribe from an email as that confirms that it is a valid email address. There was some discussion about whether there was training for mobile devices as well. Ms. Abbott stated that one of the modules in the training is for mobile security. She noted that JIS is also preparing to introduce AirWatch, which is a mobile device security that helps control data. This program has been procured and is currently being tested.

4. Committee Updates

Senior Judges Committee

- a. *Judicial Conference 2018 Workgroup.* Judge Kenney briefed the Council on the Senior Judges meeting at the Judicial Conference. The judges heard from Chief Judge Barbera, Chief Judge Woodward, and Chief Judge Morrissey, and from representatives from the Judiciary Human Resources department and the Payroll unit. Much of the discussion related to prescription plan changes effective January 1, 2019.

Judge Kenney also briefed the Council on the discussion at the Judicial Conference on voluntary and involuntary retirement, and Judge Battaglia's proposal to create a focus group of highly-educated individuals with reasonable financial resources, most especially recalled judges, related to involuntary retirement. One aspect of the study relates to bridge employment such as recalled service. Participants will be judges who have been in senior judge status since 2010 and who voluntarily agree to be interviewed.

- b. *Senior Judges Award Workgroup.* Judge Kenney briefed the Council on the Senior Judge award to be presented at the MSBA Annual Meeting on June 16, 2018, to Senior Judge Charles Moylan.
- c. *Survey.* Judge Kenney briefed the Council on the survey sent to Senior Judges to address needs, expectations, and concerns. Although, the survey responses are still under review, he discussed some of the preliminary findings:
 - ❖ 75% have served in multiple jurisdictions.
 - ❖ 92% have taken MDEC training in MDEC jurisdictions.
 - ❖ 80% are provided with office space, a laptop, and in the circuit courts, usually a law clerk.

Most said:

- ❖ that they would like to receive docket information prior to sittings;
- ❖ that they would like to receive the same judicial updates that incumbent judges receive from the administrative judges; and
- ❖ that some jurisdictions invite all judges, including Senior Judges, to their bench meetings and they would like this to be expanded to all jurisdictions.

Court Access and Community Relations Committee

- a. *Community Relations Subcommittee.* The subcommittee has created the *Judge's Gazette*, a monthly e-newsletter for Maryland judges. The subcommittee continues to implement its social media plan under the new Social Media Policy and maintains a Maryland Courts YouTube channel and a Maryland Judiciary Twitter account (@MDJudiciary). The larger committee approved the expansion of Speakers Bureau and created a Guide for Judges on CourtNet which includes links to reports, videos, and slides that speakers can use.
- b. *Language Access Subcommittee.* The subcommittee updated the interpreter Registry in February 2018, after the conclusion of the first two-year cycle during which interpreters were required to receive 16 hours of continuing education credits (CEUs). Currently, 460 interpreters remain on the Registry. There were 30 laptops to be used for remote American Sign Language delivered for use at counters, self-help centers, and informal courthouse communications. Ms. Ortiz noted that the subcommittee submitted a proposed Rule and appendix to simplify interpreter voir dire. The proposal is currently pending with the Rules Committee.
- c. *Self-Represented Litigant Subcommittee.* The subcommittee reviewed and approved the *Self-Represented Litigants in the Maryland Courts*, report which compiles data and information to provide support to self-represented litigants. The walk-in center in Frederick District/Circuit Court is set to launch in July 2018 with the grand opening on October 5, 2018. The center will handle all civil District and Circuit Court case types. Ms. Ortiz noted that as a part of its rent court initiative, the subcommittee, in collaboration with Chief Judge Morrissey and the District Court in Baltimore City, is operating a Tenant Volunteer Lawyer of the Day Program. The District Court funded a grant for the Pro Bono Resource Center of Maryland to help coordinate attorney and pro bono attorneys to provide day-of-court representation at the Baltimore City District Court in non-payment of rent cases. The subcommittee has also worked to update the self-help video library creating short videos for civil cases including child welfare and expungements. Ms. Ortiz stated that the Access to Justice department

staff is supporting a project to convert existing television monitors in public spaces in court buildings to serve as monitors to display video content. She noted that local wiring and the installation of a centralized server at JIS will be done in the next couple of weeks.

Chief Judge Barbera inquired as to how word gets out to self-represented litigants concerning available content and information. Ms. Ortiz replied that Access to Justice has a small advertising budget utilized to promote the self-help centers. So far, transit and local newspaper ads, as well as online ads in the rural markets have been done.

- d. *Accessibility & Accommodation Subcommittee.* The subcommittee hosted a joint meeting with the larger committee at which participants were briefed by Fair Practice Officer, Warren Hedges, and ADA Coordinator, Gigi Matthews, on the Judiciary's obligations under the ADA.

Court Operations Committee

- a. *Forms Subcommittee.* Judge Wells briefed the Council on the subcommittee's goals. The subcommittee plans to increase the efficiency of current forms by making them more user-friendly while ensuring that they adhere to the statutes and Rules giving rise to the forms.
- b. *Jury Use and Management Subcommittee.* Judge Wells stated that the subcommittee intends to develop an audit manual for jury offices as well update the Grand Jury brochure and create a new Grand Jury video.
- c. *Case Management Subcommittee.* Judge Wells noted that the subcommittee will review the results of the Fiscal Year 2017 Statewide Caseflow Analysis. The subcommittee will also complete the review of the DCM/case management plans while reviewing their alignments across the state.
- d. *Courthouse Equity Subcommittee.* Judge Wells stated that the subcommittee intends to develop model job specifications for certain grant-funded positions while continuing to develop the testing and sliding scale funding model. He noted that one issue that arose during the Judicial Conference was the inability of members of the Judiciary to know what resources are available and how to share best practices. The subcommittee's goal is to take the necessary steps to raise the awareness of the AOC's services and create opportunities for administrative judges to highlight their innovative programs to one another.

- e. *Joint Subcommittee on Communications and Access to Judicial Information.* Judge Wells noted that the subcommittee is working to enhance the Data Dashboard and develop a Judges Dashboard.
- f. *Expungement Workgroup.* Judge Wells stated that the workgroup is working to update the Expungement Manual to be reviewed by the Court Operations Committee and submitted to the Council for final approval.
- g. *Court Reporters Workgroup.* The workgroup is working on providing guidelines to develop uniform standards for court reporters and their fees.
- h. *Clerks Workload Assessment Workgroup.* Judge Wells noted that the workgroup is reviewing the draft work that has been completed thus far. The draft report will be to the Court Operations Committee and then the Council for approval.

District Court Chief Judge's Committee

Chief Judge Morrissey briefed the Council on the committee's January and April meetings. At the January meeting, the members discussed the statistics regarding changes to the bail review process and asked the judges to share this information with their benches. Chief Judge Morrissey noted that committee also discussed ensuring consistent education among judges concerning Jewish high holy days when scheduling postponements.

At the April meeting, the committee discussed legislative updates from the 2018 session. The members also addressed ICE issues concerning the execution of warrants in courthouses including: how to enhance communications between ICE and the courts, and following NCSC recommendations on the matter.

The Council discussed obtaining more information about ICE and their procedures within the courthouse. Chief Judge Morrissey, Judge Kiessling, and Ms. Harris will schedule another meeting with ICE and invite them to speak at the fall Judicial Council meeting.

Legislative Committee

On behalf of Judge Finan, Chief Judge Morrissey briefed the Council on the 2018 legislative session and reviewed the final report of the Legislative Committee.

There being no further business, the meeting was adjourned at 12:37 p.m. The next meeting is scheduled for July 25, 2018, beginning at 9:30 a.m.

Respectfully Submitted,

Valerie Pompey