



Hon. Matthew J. Fader, Chair
Chief Justice, Supreme Court of Maryland

Hon. Donine Carrington Martin
Circuit Court for Charles County

Hon. Audrey J. S. Carrión
Chair, Conference of Circuit Judges

Hon. Karen Christy Holt Chesser
District Court in St. Mary's County

Hon. Heather S. DeWees
Vice-Chair, Conference of Circuit Court
Clerks

Nancy Faulkner
Secretary, Deputy State Court
Administrator

Hon. Jeffrey S. Getty
Circuit Court for Allegany County

Hon. Fred S. Hecker
Vice-Chair, Conference of Circuit Judges

Kathy Hefner
Administrative Clerk
District Court in Montgomery County

Hon. Geoffrey G. Hengerer
District Court in Baltimore City

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

Rebecca Kimball
Administrative Clerk
District Court in Cecil County

Hon. Stacy A. Mayer
Circuit Court for Baltimore County

Stephanie Medina
Chair, Conference of Circuit Court
Administrators

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

Amanda Purnell
Vice-Chair, Conference of Circuit Court
Administrators

Judy Rupp
State Court Administrator

Hon. Shaèm C. P. Spencer
District Court in Anne Arundel County

Hon. Kevin Tucker
Chair, Conference of Circuit Court Clerks

Roberta Warnken
Chief Clerk, District Court of Maryland

Hon. E. Greg Wells
Chief Judge, Appellate Court of Maryland

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

MARYLAND JUDICIAL COUNCIL

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Meeting Minutes
March 27, 2024

Judicial Council Members Present:

Hon. Matthew J. Fader, Chair	Rebecca Kimball
Hon. Donine Carrington Martin	Hon. Stacy A. Mayer
Hon. Audrey J.S. Carrión	Stephanie Medina
Hon. Karen Christy Holt Chesser	Hon. John P. Morrissey
Hon. Heather S. DeWees	Amanda Purnell
Nancy Faulkner	Judy Rupp
Hon. Jeffrey S. Getty	Hon. Shaèm C. P. Spencer
Hon. Fred S. Hecker	Hon. Kevin Tucker
Kathy Hefner	Roberta L. Warnken
Hon. Geoffrey G. Hengerer	Hon. E. Greg Wells
Hon. James A. Kenney, III	Hon. Alan M. Wilner

Others Present:

Richard Abbott	Sharon Reed
Melissa Canada	Hon. Cathy H. Serrette
Amanda Miller	Nisa Subasinghe
Pamela Ortiz	Kyle Unnewehr
Eliana Pangelinan	Hon. Brett R. Wilson

A meeting of the Judicial Council was held on Wednesday, March 27, 2024, at the Maryland Judicial Center, beginning at 9:30 a.m. Chief Justice Matthew J. Fader welcomed attendees and announced that the meeting was being livestreamed on mdcourts.gov. Justice Fader then asked for approval of the minutes from the previous meeting. Judge James A. Kenney, III made a motion with a second from Judge Donine Carrington Martin. After hearing no objections, the minutes were approved.

1. Committee/Strategic Initiative Updates

a. Domestic Law Committee

Judge Cathy H. Serrette, who chairs the Domestic Law Committee, introduced Richard Abbott and Nisa Subasinghe as staff for the committee.

The Domestic Violence and Peace Order Subcommittee is chaired by Judge Ada Clark-Edwards. In 2023, the subcommittee worked with the Rules Committee to affirm that parents can file a peace order on behalf of their child. In addition, members continue to update the Judge's Domestic Violence Resource Manual, work with the Judicial College to revise related bench cards, and collaborate with the Forms Subcommittee to update domestic violence and peace order forms. Lastly, two courses were offered throughout the year including "Overview in Domestic Violence" and "Family Law for District Court Judges". The workgroup will continue to work with the Judicial College to identify topics for upcoming educational programs.

The Child Support Workgroup is chaired by Judge Julia B. Weatherly. In March, the workgroup partnered with Juvenile & Family Services (JFS) to host a Child Support Symposium where over 130 judges, magistrates, and attorneys attended. The event was very well-received and addressed the future of child support enforcement, income determinations and modifications, and problem-solving approaches to child support cases. The next symposium will be held in 2025. In addition, workgroup members are reviewing possible rule changes that facilitate timely filing and hearing of motions for modification and will be presented to the Rules Committee in the near future. Child access is a rising issue that is frequently brought up during child support hearings and the workgroup is also exploring ways to address access in child support cases.

Chief Judge E. Greg Wells inquired whether any data is available on the number of custody issues that arise from a District Court domestic violence case or how often cases are referred to circuit court based on custody. Also, Judge Wells asked if any data exists on the various child support enforcement techniques throughout the state. Judge Serrette explained that in most circumstances District Court judges will transfer a domestic violence case without making a ruling if custody is pending in circuit court. In addition, the workgroup partners with the Abell Foundation to identify equity issues and reform the enforcement process in a way that is realistic and effectively serves the families. The likelihood of compliance increases with more involvement, so the goal is to explore ways that improve a parent's access to the child. The symposiums serve as a valuable hub for stakeholders across the state to share what works best and to provide consistency.

Judge Deborah S. Eyler recently stepped down as chair of the Custody Evaluator Standards & Training Workgroup. In May, the workgroup hosted a 3-day training on custody and visitation related assessments. The program featured judges, a magistrate, experienced custody evaluators, and victim advocates. The response from attendees, which included over 60 mental health professionals, was overwhelmingly positive. The next training will be organized by the workgroup's new chair, judge Kathleen M. Dumais. Additionally, Judge Dumais recently led efforts to educate the sponsors and stakeholders of SB365/HB405, which establishes, effective July 1, 2024, separate training requirements for evaluators under Md. Rule 9-205.3, and will assist in ensuring the proper training is available.

Senior judge Ruth A. Jakubowski chairs the Family Mediation & Abuse Screening Workgroup, which continues to study the most effective way to screen intimate partner violence prior to referring parties to mediation. The Mediator's Assessment of Safety Issues and

Concerns (MASIC) screening tool includes a danger assessment and is being piloted in Baltimore County. The program partners with students at the University of Maryland School of Social Work to assist in the screening process. Information from the MASIC tool provides mediators better insight into party dynamics where they feel more confident in the identified level of coercive control. With the utilization of this screening tool, Baltimore County saw a 20% increase in cases not referred to mediation based on the threat assessment. Alternatively, parties referred to mediation report they experience less PTSD symptoms, less harassment, and better co-parenting. The program won the 2023 Mid-Atlantic Association for Court Management's (MAACM) John Neufeld Court Achievement Award and will be presented at MAACM's 2024 Annual Conference. In addition, JFS was asked to present the program in the National Center for State Court's (NCSC) Family-Centered Friday webinar series in April. Staff with JFS are working to expand the program to Frederick County Circuit Court.

The Parental Education Seminar Workgroup is chaired by former magistrate, and newly appointed judge, Ginina Jackson-Stevenson. The workgroup was recently created to review Md. Rule 9-204 regarding co-parenting education seminars to ensure the content requirements continue to meet the needs of families and to ensure the content of courses offered in Maryland comply with the overall goal of the rule to minimize disruption in the lives of the children involved. A report will be issued regarding the course requirements and will include best practices on how courses should be delivered in order to accomplish that goal.

Judge Karen M. Jensen chairs the Guardianship & Vulnerable Adults Workgroup. Over the past year, the Elder Justice Innovations Grant has been utilized to explore alternatives to the restrictions of guardianship. A Guardianship Symposium was held in October 2023 that focused on monitoring and capacity assessments and was attended by almost 90 staff and judges. The workgroup also helped develop a resource guide for healthcare settings to explore alternatives before filing for guardianship. The guide includes a tool for assessing the needs of a patient experiencing diminished capacity, guidance on working with people with disabilities, an overview of the guardianship process, and a referral worksheet.

Under the grant, workgroup members also assisted in educating the General Assembly on a bill that would have required courts to hear petitions for guardianship filed by a hospital within an unreasonable time period. In addition, Judge Patrick L. Woodward helped amend Md. Rule 19-301.14 regarding clients with diminished capacity and workgroup members continue to educate the bar regarding those changes. The amendments were intended to provide better guidance and address the misuse of the rule by attorneys appointed to represent respondents in guardianship proceedings. The American Bar Association (ABA) created a workgroup, of which Judge Woodward is a member, to review these changes and make recommendations to modify ABA Model Rule 1.14. Justice Fader added that Judge Woodward was asked to speak on guardianship at an upcoming national conference of Chief Justices and he is proud to know that Maryland is leading the way.

Lastly, the workgroup is asking the Rules Committee to consider a series of changes that would create a clearer process for courts to order a limited specific transaction when full guardianship of a property is unnecessary. Attorneys are often heavily relied upon to apply for medical assistance and not enough is done to find alternatives to guardianship. The hope is to alleviate the burden placed on low or pro bono attorneys and to provide a less intrusive means to address a person's needs.

The LGBTQ+ Family Law Workgroup is chaired by Judge Michael A. DiPietro. In 2023, the workgroup reviewed video scripts on the new name change and judicial declaration of gender identity series. The videos are now available on the Judiciary's website. The gender identity series features the first openly transgender moderator that has been used for a Judiciary series.

The Domestic Forms Workgroup continues to revise and draft new domestic-related forms. Judge Fred S. Hecker oversees updates to the Maryland Trial Judge Family Law Bench Book through the work of the Family Law Bench Book Workgroup. Judge Dumais leads the Legislative Workgroup, which has met frequently this session due to the large number of family and domestic-related bills presented. The Special Status Workgroup requested an ethics opinion regarding judicial certifications of visas and representatives from the Department of Homeland Security and American University are assisting members with a supplemental request to clarify several lingering issues. The support of these workgroups provides valuable advocacy and resources for families in Maryland.

Committee, subcommittee, and workgroup members will continue to support the Judicial College on webinar topics relative to family law. Last week, a course was presented on reducing barriers specific to persons with disabilities, the LGBTQ community, and undocumented litigants. A similar course is planned for 2025. Chief Judge John P. Morrissey added that the committee presentation on matters relevant to District Court judges was extremely helpful and well-attended.

b. Senior Judges Committee

Judge James A. Kenney, III continues to chair the Senior Judges Committee, whose mission is to integrate senior judges into the operations of the Judiciary, with particular interest in technology and changes in business processes. The committee membership includes 10 judges representing each level of the trial and appellate courts, a representative from District Court Headquarters, and a circuit court administrator.

There are currently 172 active senior judges. Of those, there are 49 senior judges who fill 122 seats on various Judicial Council committees, subcommittees, and workgroups. Many judges have taken on leadership positions while others provide guidance and mentorship for new judges. Similar to incumbent judges, senior judges are required to complete annual security and ethics training and 12 hours of education, and the compliance rates are increasing. The Judicial College reports the most popular class in 2023 was the Historical Trials course.

Members of the workgroup continue to track the prescription coverage issue as it relates to senior judges and plan to discuss it in detail at this year's Judicial Conference in April. The workgroup also assisted Judiciary Human Resources Division (JHRD) in developing a guide for beneficiary support and other resources to utilize following the death of a spouse. The Hot Topics Newsletter is produced by the workgroup and shared throughout the year to provide updates, reminders, and information relevant to senior judges.

In collaboration with the Court Technology Committee, the workgroup developed a circuit court senior judge scheduling app that is entering the testing phase and should be available statewide in the near future. The Court Operations Committee assisted in producing a guide on

best practices for senior judge use and assignments that will be shared with administrative judges once it has been approved by the Conference of Circuit Judges and District Court Chief Judges Committee.

Judge Kenney added that senior judge recall certification has improved since Justice Fader changed the process to begin on the same date for everyone. Many have found themselves not sitting as often and the new process provides valuable reminders for them to remain on the list.

c. Court Access Committee

Judge Brett R. Wilson is chair of the Court Access Committee. Prior to beginning his presentation, he wished to thank Judge Kenney and the senior judges for covering dockets in Washington County following the tragedy involving Judge Andrew F. Wilkinson.

The Court Access Committee oversees the Accessibility & Accommodations Subcommittee, the Self-Represented Litigant Subcommittee, and the Language Access Subcommittee. The Access & Fairness Subcommittee sunset in 2023, but the work on equal justice continues through various committees within the Judicial Council.

The Court Access Committee continues to promote court-based resources to help those without counsel. One example is that members are in the process of launching a Spanish-language radio campaign to promote awareness about the Maryland Court Help Centers. The committee also reviewed NCSC's Racial Justice Organizational Assessment Tool that is now available on the Judiciary's website.

The Accessibility & Accommodations Subcommittee is chaired by Judge Pamela J. White. The subcommittee's Disability Inclusion Workgroup, now sunset, focused on building the talent pool to include persons with disabilities and to enhance outreach and communication to people with disabilities and related organizations. With the help of Legal Affairs, the accommodation request form was revised, and a tip sheet was created for hiring managers. The Access to Justice Department (ATJ) also awarded grants to create Diversity, Equity, & Inclusion Coordinator positions in the Circuit Courts for Montgomery County and Baltimore County.

Changes are pending to Md. Rule 1-332 regarding accommodations that will clarify who can make determinations, improve definitions, and will require transparency. In addition, preparations are being made to implement the 2023 Maryland Sign Language Act, which will require all American Sign Language (ASL) interpreters to be licensed by the state by January 1, 2025. The law will preclude the use of non-licensed interpreters in and outside of the courtroom and will require the Judiciary to report on the use of ASL interpreters beginning in 2026. The Judiciary uses software to track approved interpreters who must upload their license to ensure that only registered individuals are scheduled in the courts. Out of 500 interpreters in the state, the Judiciary has 45 registered interpreters. ATJ has also engaged a Certified Deaf Interpreter consultant to help recruit and serve as a liaison to build a stronger ASL program. Anyone with questions about this program can contact Ksenia Boitsova in ATJ.

Judge Michael W. Siri is chair of the Language Access Subcommittee. ATJ produced the New Language Services Report for FY2023 that can be found under the publications on the Judiciary website. The report provides data on how the courts met the needs of persons with limited

English proficiency. With the rise in migration, the need for interpreters is anticipated to increase in the coming years. The Court Interpreter Program (CIP) continues to recruit, train, certify, and support interpreters to meet this need for court users.

The Bilingual Staff Pilot Program identified 18 Spanish-speaking employees of the Montgomery County Circuit and District Courts who have been tested and approved to serve as qualified bilingual staff. These individuals do not serve as certified interpreters but assist the public by speaking in Spanish rather than English. A salary premium is provided to these individuals. The program is being evaluated for further expansion throughout the state.

The subcommittee is also working to propose changes to Md. Rule 1-333 regarding court interpreters designed to improve the quality of interpretation. The changes would increase the likelihood of interpreters willing to travel by guaranteeing a 4 or 8-hour payment, while simultaneously supporting the use of Video Remote Interpreters (VRI) to save cost to the Judiciary’.

The Self-Represented Litigant (SRL) Subcommittee, chaired by Judge Wilson, uses data to determine the best use of resources. The New Report on Resources for SRLs for FY203 provides data and updates on the Maryland Court Help Centers, law libraries, guide & file tools, grant-funded programs, the video library, and webinars. The demand for court help center services continues to grow and can make a significant difference in how people experience the justice system. Wayfinding kiosks are being piloted in the Circuit Court for Howard County and District Court in Catonsville. An animated avatar assists in directing individuals to locations within the building and frequently asked questions. The feedback has been extremely positive, and staff have helped identify ways to improve the system. A Spanish-speaking option is being developed.

Data dashboards provide a granular view of the performance of the help center programs. The demographics provide insight into who we are serve, including income background. The data is used to identify needs and assist in exploring ways to fulfill those needs, such as the development of new videos based on highest demand. The dashboards can be accessed on Courtnet for internal use only.

Judge Jeffrey S. Getty shared that Allegany County recently opened a self-help center that has received overwhelmingly positive feedback. Litigants are able to access many resources, including video conferencing with an attorney. Judge Morrissey added that the help centers also provide a great opportunity for attorneys to fulfill pro bono requirements from their office or home.

2. For the Good of the Order

Justice Fader requested that all Judicial Council members remain after the meeting to obtain a group photo. He informed attendees that the next meeting is scheduled for May 15, 2024, at 9:30 a.m. There being no further business, the meeting adjourned at 11:00 a.m.