

**OFFICE
OF
ADMINISTRATIVE HEARINGS**



**2011
ANNUAL REPORT**



About the Office of Administrative Hearings

The Office of Administrative Hearings (OAH) is an independent unit within the executive branch of State government created to centralize and improve Maryland's administrative hearing process at a reduced cost to its citizens.

Thomas E. Dewberry is the Chief Administrative Law Judge (CALJ). A ten-member State Advisory Council on Administrative Hearings (Council) meets regularly and advises the CALJ.

Section 9-1604(c) of the State Government Article requires the CALJ to submit an annual report to the Governor and, subject to Section 2-1312 of the State Government Article, to the General Assembly. Section 9-1604(c) also permits OAH to prepare and submit its report in conjunction with the Council. In the interest of government efficiency and economy, OAH and the Council submit their 2011 annual reports jointly.

Mission

OAH's mission is to provide due process for any person or business affected by the action or proposed action of State agencies in a prompt and efficient manner.

I. EXECUTIVE SUMMARY

The following are some highlights from 2011:

A. Foreclosure Mediations

OAH reported in its 2010 Annual Report that prior to the passage of HB 472, Real Property – Residential Property Foreclosure Procedures – Foreclosure Mediation, OAH agreed to absorb this significant undertaking which involves highly complex and



In 2011 OAH:

- **Received 49,576 new cases**
- **Had a timeliness rate of 98.51% for the issuance of written decisions**
- **Conducted 74% of its hearings throughout the State**
- **Provided Community Outreach and Education**
- **Conducted in-depth ALJ Training Sessions**
- **Conducted Foreclosure Mediations**
- **Provided access to OAH video to the public**

technical legal issues. This new Foreclosure Mediation Law became effective July 1, 2010. The law required mortgage lenders and servicers to be much more responsive to homeowners facing foreclosure. The law gives homeowners an opportunity to meet with the lender and an OAH Administrative Law Judge, who serves as an independent party, to ensure that alternatives to foreclosure have been considered and evaluated. It was estimated that OAH would receive approximately 5,500 mediations per year as a result of this legislation. This number was based upon a percentage of the number of foreclosure notices filed in Maryland's circuit courts in 2009. OAH received a total of nine positions (six ALJs, one staff attorney and two contractual clerical) to handle this increase in workload.

The number of foreclosure mediations that OAH received in 2011 was much lower than the anticipated 5,500. Two factors that negatively impacted the number of Foreclosure Mediations were 1) lenders expedited foreclosure filing and flooded circuit courts with filings before the effective date of the legislation in order to avoid foreclosure mediations and their cost. OAH did anticipate that this would occur; and 2) since the legislation became effective, mistakes in the manner in which lenders had processed documents had surfaced. This further delayed foreclosure filings. Of course, OAH did not anticipate that this would take place.

OAH schedules three mediations on each docket at 9 a.m., 11 a.m. and 2 p.m. The mediations take at least two hours or more.

In 2011, members of OAH's management staff and the Clerk's Office staff continued to work closely with the Courts, DLLR and DCHCD to refine procedures and provide training. In addition, quarterly meetings were held with DLLR, DHCD and the StateStat team to review the progress of the program and resolve issues.

Also, weekly meetings and conference calls were held with individuals representing DHCD, DLLR, GMAC and Indisoft regarding the development of the Hope Loan Portal project for use in the foreclosure mediation process.

In August, Governor O'Malley invited Chief Judge Dewberry to join the Maryland Foreclosure Task Force. The Task Force is charged with making recommendations for effective foreclosure prevention through loss mitigation, counseling networks and community outreach as well as exploring areas in which certain efficiencies are needed to restore communities and overall health to the market. The Task Force is chaired by DLLR Secretary Alexander Sanchez and DHCD Secretary Raymond Skinner. The Task Force has been meeting monthly and there are smaller work groups that have conference calls throughout the

month to develop recommendations. CALJ Dewberry participates on the Loss Mitigation Work Group.

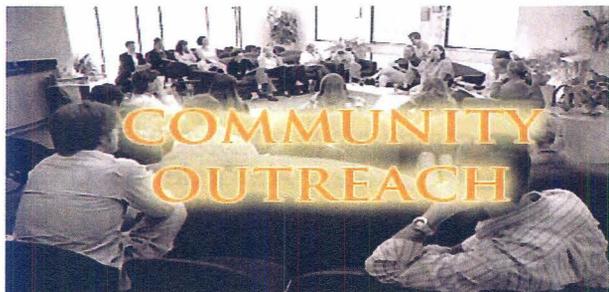
B. Meetings with Agencies

Maintaining communication with the agencies for which OAH conducts hearings is vital to its on-going operation.

CALJ Dewberry and members of his staff met with personnel from the following Maryland State agencies:

- Office of the Governor
- Judiciary
- Office of the Attorney General, Consumer Protection Division
- Department of Budget and Management (DBM)
- Department of Education (MSDE)
- Department of the Environment
- Department of Health and Mental Hygiene (DHMH)
- Department of Housing and Community Development (DHCD)
- Department of Human Resources (DHR)
- Department of Information Technology (DoIT)
- Department of Labor, Licensing and Regulation (DLLR)
- Department of Natural Resources (DNR)
- Unemployment Insurance Division of DLLR (UI)
- Department of Public Safety and Correctional Services (DPSCS)
- Inmate Grievance Office, DPSCS
- Real Estate Commission of DLLR
- Maryland Insurance Administration
- Maryland State Police
- Motor Vehicle Administration (MVA)

C. Community Outreach and Education



OAH continuously works to increase public awareness so that Maryland's citizens are familiar with OAH and its mission. ALJs are always available for

community outreach and education.

In the past year, ALJs:

- Participated in a partnership with University of Maryland/Baltimore mediation clinics to assist students with obtaining a 40 hour certification
- Participated in the Maryland Association of Counties Summer Conference
- Made presentations to bar associations, community colleges, universities, middle and high schools
- Made a presentation to the Forensic Medical staff of Baltimore City Circuit Court on issues that arise in Conditional Release hearings
- Made a presentation at DHMH's annual civil commitment training
- Served as trial judges at area high schools and colleges in mock trial competitions
- Served as mentors for the University of Baltimore School of Law's shadowing program

In addition, OAH received several requests for speakers and Administrative Law Judges traveled to high schools around the State to introduce the Emmy Award winning film, *Branded D.U.I.*, and discuss the dangers of underage drinking and driving. The video, which is based upon the stories of eleven young drivers who discuss the consequences of a bad decision and the impact it had on their own lives and the lives of others, is now available on OAH's website.

In August, for the first time, OAH participated in the MACo Summer Conference in Ocean City, Maryland. CALJ Dewberry and ALJ McClellan attended the OAH booth for this two day Conference. The OAH considers the MACo Conference another opportunity to provide community outreach and education.

E. "Representing Yourself at an OAH Hearing"

In late 2010, OAH held an in-house premier of OAH's video entitled "Representing Yourself at an OAH Hearing." The Video Committee, chaired by the OAH's librarian, Elizabeth Lukes, did an excellent job casting, writing and producing this video. The Maryland Institute for Emergency Medical Services Systems lent its services to OAH and worked with the Video committee to film and produce this video at no charge. Dick Gelfman volunteered his services as a narrator.

This year, copies of the DVD were distributed to local Department of Social Services offices (to be played in waiting rooms), agencies that OAH holds hearings for and the public library. The video is currently played in OAH's waiting area and has been placed on OAH's website so that it can be viewed by Maryland citizens who may not know what to expect when they have a hearing before the OAH.

F. Local and National Perspectives

Local

Maryland Judiciary

On March 25th, CALJ Dewberry participated as a faculty member in an all-day training program at the Judicial Institution of Maryland. The program was entitled "Judicial Review of Administrative Decisions." There were approximately twenty-two Circuit Court judges in attendance.

On September 16th, Judge Glenn T. Harrell, Jr., Maryland Court of Appeals, presented an annual update on recent Maryland appellate administrative law decisions. Judge Harrell has been conducting this annual ALJ training session for approximately seventeen years.

Maryland State Bar Association

CALJ Dewberry and several ALJs are members of the Administrative Law Section Council of the Maryland State Bar Association (MSBA). CALJ Dewberry, ALJs Jana Burch, Director of Operations; J. Bernard McClellan, Director of Quality Assurance; and Denise Shaffer, Deputy Director of Quality Assurance, attended the MSBA Annual Meeting, which was held in Ocean City, Maryland in June. The Educational Programs were beneficial to the ALJs, particularly the programs dealing with dispute resolution, ethics, professionalism, efficient and effective ways to use paralegals, and witness reliability. This annual meeting provides a forum for ALJs to discuss OAH with members of Maryland's legal community.

Access to Justice Commission

ALJs Jana Burch and Daniel Andrews continued to represent OAH on the Access to Justice Commission (AJC). The AJC's mission is to "develop, consolidate, coordinate and implement policy initiatives to expand access to and enhance the quality of justice in civil legal matters for persons who encounter barriers in gaining access to Maryland's civil justice system."

Maryland Association of Administrative Adjudicators

Many of OAH's ALJs are members and officers of the Maryland Association of Administrative Adjudicators (MAAA), an affiliate organization of the National Association of Administrative Law Judiciary (NAALJ).

National

Central Panel Directors

The central panel concept has been incorporated to greater and lesser degrees in thirty-one jurisdictions. Maryland's OAH is one of the largest central panels in the country with the broadest jurisdiction.

The Central Panel Directors meet one time per year. In 2011, CALJ Dewberry chaired the annual Central Panel Directors' Conference which was held in Annapolis, Maryland on September 7 – 10, 2011. CALJ Dewberry and members of OAH's management staff developed and participated in the program for the Conference which included:

- Annual updates from each state in attendance
- A report North Carolina CALJ Julian Mann and Federal ALJ Daniel Solomon on the American Bar Association Resolution 112
- A presentation by John J. Connolly, Esquire on "Representing Guantanamo Bay Detainees"
- A panel discussion on the Judicial Review of Administrative Decisions with Judge Glenn Harrell, Judge Leah Seaton, and Professor Arnold Rochvarg
- Breakout Sessions on Facilitating Capacity, ALJ Evaluations and the Maryland OAH/MVA Automation Project
- A History of Annapolis, presented by Senator Thomas V. Mike Miller.

The Central Panel Directors' Conference is an excellent forum for states to share information and gain different perspectives on the many similar issues and challenges that they face. CALJ Dewberry was pleased to showcase Annapolis and received positive feedback on the 2011 Central Panel Directors' Conference hosted by Maryland.

National Association of Administrative Law Judiciary

The NAALJ 2011 Annual Conference was held in Sante Fe, New Mexico on September 18 -22. CALJ Dewberry and ALJs McClellan, Director of Quality Assurance, Brooks, Deputy Director of Operations, Garland, Koteen, Osborn and Shock attended this impressive program. The program included some of the following sessions:

- Evidence for ALJs
- Judicial Independence and Ethics
- Security for ALJ
- "The Response Movie" Combatant Status Review Tribunals and the Protection Offered by the Rules of Evidence
- Communication Skills for ALJs

- Special Education topics: "IDEA Journey from Complaint to Hearing" and "Remedies in Special Education Cases"
- High Volume Dockets
- Reliability Standards for Experts and Scientific Evidence
- Decision-making for ALJs

In addition, ALJs Buie, Hurwitz, Murray, Nachman, O'Connor and Perez attended the NAALJ Mid-year Meeting and Educational Conference in May, which was held in Atlanta, Georgia. All of the above-named ALJs are members and officers of MAAA.

G. Financial Impact of OAH's Fiscal 2010 and Appropriated Fiscal 2011 Budget

OAH's appropriated budget for Fiscal 2011 is \$12,532,768. Approximately 95% of OAH's appropriation is dedicated to salaries and benefits, contractual services and rent of facilities. The breakdown of OAH's budget is:

- 83% Salaries and benefits, including contractual employees
- 4% Contractual services of which half is dedicated for legal services
- 7% Rent for three offices
- 6% Routine travel, utilities, supplies and materials, equipment and motor vehicle operations

The majority of OAH funds are reimbursable, which is the transfer of funds from agencies for which hearings are held. An allocation of cost is prepared each year based upon caseload and the time required to adjudicate each type of case. The budgets for the agencies for which OAH holds hearings include an appropriation for "hearings" based on this allocation. On July 1st of every fiscal year, agencies transfer the appropriated funds to OAH.

In 2011, OAH improved service to the citizens of Maryland and increased efficiency through:

- **Conducting Foreclosure Mediations**
- **Conducting Unemployment Insurance hearings on behalf of DLLR-UI**
- **Fully Automating MVA hearings**
- **Placing the video "Representing Yourself at an OAH Hearing" in OAH's lobby and on OAH's website to help citizens prepare for a hearing at OAH**
- **Revising and simplifying all OAH hearing notices**
- **Enhancing technology**
- **Providing monthly training to ALJs in all areas of the law**
- **Continuing to provide community outreach and education**
- **Making mediations and settlement conferences available in various case types**

H. OAH and MVA Automation of Operations

OAH and MVA implemented the web retrieval system which electronically retrieves and transmits MVA hearing requests and case documents, which are used in MVA hearings, between the two agencies. Additionally, this automated system allows for a customer's driving record to be automatically updated following the completion of a MVA hearing, which an ALJ conducts. The web retrieval system accesses MVA's Data Information Workflow System (DIWS) using pre-existing VPN connectivity between OAH and MVA via networkMaryland™.

The MVA and OAH Automation of Operations project was fully implemented in January. The transition went well and OAH and MVA continue to meet to discuss outstanding issues as well as future enhancements that need to be made to the system.

I. Information Technology

The year 2011 continued to bring technological changes and enhancements to OAH.



In March, OAH hired a new Director of Information Technology (IT), Tareq Ibrahim. We are pleased to have Mr. Ibrahim on board. Below are some of the technological changes and enhancements made in 2011:

Recording Software Storage Upgrade

Due to the increased number of recordings downloaded to OAH's network access storage system it became necessary to upgrade OAH's audio storage capacity. IT worked closely with Hewlett Packard storage engineers to identify the proper storage size for OAH based on its three-year recording retention policy. IT increased OAH's storage capacity from one terabyte to six terabytes of storage space.

Document Management System Upgrade

OAH purchased two servers to support its Docs Open document management system upgrade. The project is moving forward with the installation of Windows 2008 R2 which is Microsoft's latest Server Operating System on both of the new servers. The servers were added to OAH's network.

IT Operations Database

IT developed and implemented an Access 2010 Database to better track and analyze user hardware and software issues. Hardware Tracking, Maintenance Contracts and Printer Toner Inventory were also included in the database and the information was merged into one central repository.

IT Documentation

IT worked to modernize the Network Operations, Disaster Recovery and IT Policy manuals.

IT was also involved in discussions with the Hope Loan Portal Group to discuss the development of the Hope Loan Portal for use in Foreclosure Mediations. In addition, IT worked with Network Maryland to find a more cost effective and efficient way to increase OAH's connection speed to the internet.

J. Unemployment Insurance Hearings

OAH continued to assist DLLR – UI in conducting hearings to address its backlog of appeals. In 2011, OAH scheduled seven UI dockets on a weekly basis.

II. Legislative History and Background

OAH was created by Chapter 788 (SB 658) of the Laws of 1989, codified in State Government Article, Title 9, Subtitle 16 of the Annotated Code of Maryland. Chapter 788 incorporated the recommendations of the Governor's Task Force on Administrative Hearing Officers.

Noting the concerns of the business community, the public and members of the bar, the Governor charged the Task Force on Administrative Hearing Officers with examining the then-current administrative hearing system and recommending needed changes. The final report strongly endorsed the creation of a centralized administrative hearing process and identified many problems with the non-centralized system. Hearing officers lacked adequate training opportunities, suffered from poor salaries, often failed to write decisions that would withstand judicial scrutiny, were supervised by the agencies for which they issued decisions and were not subject to uniform procedures or codes of responsibility and ethics.

Following enactment of the legislation, staff from agencies as diverse as DHMH, DLLR and the Maryland Department of the Environment were consolidated into a central office. ALJs were cross-trained to handle a wide

variety of cases and projected operational efficiencies were realized. Uniform Rules of Procedure were promulgated in 1991 and the Code of Ethics modeled on the Judicial Code of Ethics were adopted.

In late 1991, the Commission to Revise the Administrative Procedure Act (APA) was appointed to study and update Maryland's APA to reflect the creation of the OAH. The Commission included former CALJ Hardwicke, two Cabinet Secretaries and representatives of the Judiciary, business community, labor unions, the MSBA and the Attorney General's Office. The Commission's recommended legislation, Chapter 59 of the Laws of 1993, became effective June 1, 1993. In 1994, revisions to OAH's Rules of Procedure, COMAR 28.02.01, were adopted incorporating the revisions to the APA.

III. Miscellaneous Additional 2011 Activities

A. Administration

1. Personnel

OAH's CALJ is appointed by the Governor for a six-year term. CALJ Dewberry was appointed on May 22, 2002 and was re-appointed by Governor O'Malley in January of 2008. Executive ALJs serve as the Directors of Quality Assurance and Operations.

OAH began 2011 with 120 authorized positions and three contractual positions. 53 of the positions are for ALJs who are appointed by the CALJ. Of the total filled positions, 31% are African-American, 1% are Hispanic and 72% are women. Of the ALJs, 16% are African American, 1% are Hispanic and 57% are women. OAH remains committed to maintaining a diverse and qualified workforce. To that end, OAH strives to upgrade salaries as appropriate and to offer a work environment that is both professionally challenging and satisfying.

Current qualifications require that ALJs be bar-admitted attorneys with a minimum of five years of experience. ALJs may be removed for cause and are considered special appointees within the professional service of the State Personnel Management System. The entry level salary for an ALJ is \$82,905 and the average ALJ salary is \$92,881.

ALJs' work has a significant impact on both public and private interests and requires a high degree of education, skill responsibility and professionalism. The work frequently involves highly complex legal matters, requiring detailed written decisions that must be issued between seven to 90 days after the close of the record.

2. Facilities

OAH's headquarters in Hunt Valley is accessible from I-83 North and provides ample free parking. There are two light rail stations within walking distance of the building and bus service make the building accessible via public transportation.

OAH's Administrative Law Building houses 23 hearing rooms, two attorney-client meeting rooms, a clerk's office, public waiting areas, a law library, which is accessible to the public during normal business hours, as well as offices and training rooms for OAH staff.

In addition to the hearings held at its headquarters location, ALJs travel throughout the State to conduct hearings in all counties. OAH operates satellite offices in Cumberland and Salisbury and has dedicated hearing space in Montgomery County.

OAH has space in each of the Circuit Court buildings for the conduct of foreclosure mediations.

In 2011, the Director of Administration was involved in securing a new Court Reporting Contract, developing a weapons policy, arranging for security in Hunt Valley and took the lead in developing OAH's Workforce Planning submission to DBM.

B. Operations

OAH's Operations Division:

- **schedules and assigns cases**
- **reviews caseload to ensure that backlogs do not develop**
- **ensures expeditious case management**
- **monitors the timeliness of decisions**
- **supervises ALJs, Clerk's Office staff, IT Staff and secretarial staff**
- **monitors legislation**
- **oversees OAH's Telework Program**
- **handles all Public Information Act requests**

OAH conducts fair and timely hearings in contested cases for more than thirty State agencies for over 200 different programs, with over 500 hearing types. Except for entities exempted by statute, a Board, Commission or agency head must hear a contested case personally or must delegate authority to hear

the case to OAH or, with the permission of the CALJ, a person not employed by OAH. Md. Code Ann., State Gov't § 10-205 (Supp. 2006). In 2011, OAH received 49,576 new cases. Caseload statistics for 2011 are included in Attachment A.

1. Foreclosure Mediations - Operations

Operations worked extensively throughout the year with DHCD, DLLR, the Circuit Courts and StateStat to review the progress of the program and resolve issues.

As previously reported, the number of foreclosure mediations that OAH received in 2011 was much lower than the anticipated 5,500. Two factors that negatively impacted the number of Foreclosure Mediations were 1) lenders expedited foreclosure filing and flooded circuit courts with filings before the effective date of the legislation in order to avoid foreclosure mediations and their cost. OAH did anticipate that this would occur; and 2) since the legislative became effective, mistakes in the manner in which lenders had processed documents had surfaced. This further delayed foreclosure filings. Of course, OAH did not anticipate that this would take place.

2. Satellite Office and Outlying Hearing Locations

Although the Administrative Law Building in Hunt Valley is OAH's headquarters, ALJs conduct less than 30% of its hearings at this location. The remainder of the hearings are held at various locations around the State, including private hospitals and nursing homes. Other hearings are held in government facilities such as courthouses and agency offices. The hearing space at Wheaton Plaza in Montgomery County continues to receive nearly maximum use.

OAH also has an arrangement with DLLR's Unemployment Insurance Hearing Unit with regard to sharing hearing space at various locations throughout the State. Currently, OAH shares hearing space with the Unemployment Insurance office in Hunt Valley and Cumberland.

3. Performance, Planning and Evaluation Program (PEP)

The Director and Deputy Director of Operations are responsible for evaluating the 51 ALJs in conjunction with Quality Assurance. Operations evaluates the ALJs on their attendance, case management, timeliness and collegial relationships. In 2011, all ALJ end cycle evaluations were scheduled in either December or June, depending on the ALJs' Entry of Duty date.

4. Staffing

In 2011, under the State's Voluntary Separation Program, two Office Secretary IIIs, retired. Operations will face a significant challenge as it works to distribute the workload of providing administrative support for the Clerk's Office and 51 ALJs among the four remaining Office Secretary IIIs.

5. Telework

In 2011, ALJs and a few support staff employees continued to telework. ALJs also work at home, in between and/or after traveling to their dockets.

In addition to OAH's telework initiative, ALJs are encouraged to establish remote access to OAH through the Internet using their assigned OAH laptop computers or through their home computers. At the end of 2011, those ALJs who had established remote access to OAH were eligible to telework and/or work-at-home under OAH's policies regulating both of those programs.

Allowing ALJs to telework and work-at-home has created operational efficiencies in that ALJs' travel time is reduced and ALJs are able to focus on decision writing with fewer interruptions and distractions. There is also a savings on fuel, mileage reimbursement, wear and tear on State vehicles as well as having a positive impact on Maryland's roads and the environment.

6. Legislation Affecting OAH

During the 2011 Legislative Session, 80 bills were monitored that OAH believed would impact the agency, if passed. However, the bills that passed did not significantly impact OAH's caseload and we highlight some of the bills that OAH monitored during the Session:

HB 728 – Residential Property – Foreclosure-Required Documents – Timing of Mediation – The OAH assisted with the drafting of this legislation. OAH can now report the results of a foreclosure mediation to the court within seven days instead of five days.

HB 1276 – Drunk Driving Reduction Act – which provides for the expansion of the Ignition Interlock System Program to persons who had an alcohol concentration of .15 or higher and persons who are under the age of 21 and had an alcohol-related administrative offense.

If the District Court convicts a Licensee for having an alcohol concentration of .15 or higher the District Court must impose the interlock for one year. They anticipate that the number of people on ignition interlock would increase from 7,500 to 15,000.

HB 1184 – Department of Transportation – Employee Grievance Procedures – Streamline Process – which authorizes an aggrieved DOT employee to appeal certain decisions to the OAH.

HB 730 – Task Force to Study Access of Individuals with Mental Illness to Regulate Firearms. Although this bill did not pass, the Governor’s Office appointed a Mental Health & Firearms Workgroup. ALJ Wayne Brooks services on that Workgroup as the designee of Chief Administrative Law Judge Thomas Dewberry.

SB 132 – Job Applicant Fairness Act, which provided that an employer can’t use an applicants credit history except in certain circumstances.

In addition, there were several National Resources bills which could result in additional hearings for OAH involving rock fish, crab (out of season cases); and oyster poaching.

As noted in previous year’s reports, OAH’s Legislative Liaison, ALJ Wayne Brooks, who reviews, monitors and testifies on all proposed legislation that affects OAH, also serves as OAH’s Deputy Director of Operations, responsible for assisting with the daily operation of OAH and OAH’s Public Information Act Officer, responsible for handling all PIA requests in a timely manner; and he is regularly scheduled to hear cases as an ALJ.

C. Quality Assurance (QA)

OAH’s Quality Assurance Division:

- oversees the quality of written decisions
- has primary responsibility for the hiring of ALJs and other legal staff
- trains new ALJs
- offers mandatory monthly judicial education for ALJs, paralegals and staff attorneys and out-of-office training programs
- oversees OAH’s library
- maintains decision and hearing notice boilerplates, Time Frame matrix, Bench Manuals and Case Digests
- supervises staff attorneys, paralegals, librarian and management associate
- is responsible for OAH’s Speaker’s Bureau

1. Performance, Planning and Evaluation Program (PEP)

A major focus of QA continues to be the evaluation of ALJs' performance, which is required by DBM's Performance, Planning and Evaluation Program. QA is responsible for rating all 51 ALJs on their Presence at Hearings and Written Expression. In 2011, all ALJ end cycle evaluations were scheduled in either December or June, depending on the ALJs' Entry of Duty date.

2. ALJ Training

The QA Division has the primary responsibility for hiring and training ALJs. In 2011, QA developed the training program for the six ALJs hired under HB 472. All six ALJs completed their initial training and were fully integrated into the monthly docket.

The training regime for new ALJs provides for the assignment of an experienced ALJ to serve as a mentor for each new ALJ, who can then assist QA in providing support to the new ALJ and also report to QA on the new ALJ's progress. New ALJs observe experienced ALJs conduct hearings in a specific subject area before being observed themselves. New ALJs rotate through the major subject areas for approximately six months, after which they are released to conduct the full range of hearings independently.

QA conducts mandatory monthly training for the entire ALJ staff, as well as the paralegals and staff attorneys. In addition, QA selects appropriate judicial and special education training programs for ALJs to attend.

3. Foreclosure Mediation Training

With the passage of HB 472, OAH worked closely with the Courts and MACRO to implement the provisions of the legislation. The Deputy Director of QA and the Director of Operations attended numerous meetings with the Court Rules committee, the DLLR committee tasked with drafting COMAR regulations implementing the legislation and trainers from MACRO, Civil Justice, Inc. and Wells Fargo, the largest loan servicer in Maryland.

In order to train ALJs in both the substantive and procedural foreclosure mediation law, QA worked with the above listed stakeholders in preparing and hosting a two-day, substantive law training for ALJs. A follow-up operational training was also held. QA developed forms, check lists and bench manuals to assist the ALJs when conducting the foreclosure mediations. Follow-up training was also held in October. QA has also hosted a "brown bag lunch" training

session for ALJs seeking more information about the foreclosure process and possible workout options.

4. OAH and MVA Automation of Operations

The Director of Quality Assurance was extensively involved in the MVA/OAH Automation Project and worked with the MVA project vendor to define and gather system requirements for the user interface and application logic for the ALJ's Findings of Fact screens. He worked to ensure that the electronic forms included all necessary information for the ALJ to issue a decision on the system and that the exhibits were placed on the system in a logical order so that the hearing proceeded with no problems. He also assisted with the training of the ALJs on the new system.

This new system was fully implemented in January and QA continues to work with MVA to make improvements to the system.

5. Library

Decisions written since 1999 are available on OAH's network and can be found electronically by OAH staff. Signed hard copies are also available in the library. Due to the privileged and confidential nature of many of the decisions rendered by the OAH, a Public Information Act request must be submitted to determine if the decision can be reviewed by a member of the public.

OAH library staff provides research assistance to all OAH employees, as well as to the public. The librarian receives several inquiries from the public daily about OAH decisions and general Maryland law information. News about the OAH and relevant developments in administrative law are gathered and distributed electronically by library staff.

Under the direction of QA, the library provides a print collection developed to assist OAH staff, State agencies, the bar and citizens. Each ALJ and legal staff member also has access to Westlaw and other online legal research services. QA continues to expand its electronic offerings in addition to maintaining printed material.

In support of our commitment to provide legal research services to all OAH visitors, the library now offers two public computer terminals and wireless access to the Internet. The addition of this service allows state employees, lawyers and others to check email and do research during time spent at the OAH.

6. Alternative Dispute Resolution (ADR)

QA has worked to ensure that All of OAH's ALJs, staff attorneys and paralegals are certified mediators. ADR is extremely beneficial because it includes a number of procedures that are designed to simplify and expedite the resolution of controversies without the need for a hearing or trial.

ADR:

- Generally refers to any procedure that utilizes the services of a neutral party to assist in reaching an agreement
- Avoids the expense, delay and uncertainty of litigation
- Provides a forum for the parties to work toward a voluntary, consensual agreement, as opposed to having an ALJ or other authority decide the outcome of the case
- Includes mediation and settlement conferences, which OAH utilizes frequently, in particular, the foreclosure mediations
- Encourages and improves communication between the parties
- Is used in OAH's mediation program for Special Education appeals which is a prime example of the benefits of the mediation process.

7. Speaker's Bureau

QA is also responsible for authorizing requests made to the Speaker's Bureau and assigning ALJs.

IV. Conclusions

CALJ Dewberry has always emphasized the great capacity of the OAH to relieve pressures on the judiciary and executive agencies, keeping in mind, particularly, the excellence of the OAH and the professionalism of its staff. In 2011, continued to work extensively to handle the foreclosure mediations for the State of Maryland. We accepted the challenge and continued to work with the Administration and the Judiciary to provide homeowners with an opportunity to meet with the lender and an independent party to ensure that alternatives to foreclosure have been considered and evaluated.

OAH was pleased to continue to provide assistance to the DLLR-UI to work to alleviate the backlog of cases that have developed as a result of the weakened economy.

OAH has always strived to increase public awareness so that Maryland's citizens are familiar with this agency and its mission. The OAH video, "Representing Yourself at an OAH Hearing," was distributed to agencies and the public library. In addition, it is being played in OAH's lobby and has been placed on OAH's website. In 2011, OAH participated in the MACo Summer Conference in Ocean City, Maryland with the expectation that the county government will become familiar with our mission.

OAH will continue to work in 2012 to further improve the administrative hearing process. CALJ Dewberry looks forward to working with Governor O'Malley and his cabinet in the upcoming year as he continues to ensure that the citizens of Maryland receive fair and timely hearings and remains committed to saving the State funds during these difficult fiscal times.

CALENDAR YEAR 2011 - TOTALS

CASELOAD FLOW	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	TOTALS
I. CASES CARRIED OVER FROM PREVIOUS MONTH	7135	7115	7300	7657	7457	7672	7567	7584	7760	7811	7793	7541	
II. NEW CASES RECEIVED													
A. Complete Cases	3691	3846	5237	3996	4312	4263	3626	4383	4050	3810	3338	3363	47915
B. Untimely Cases	92	111	90	108	128	102	80	82	85	43	116	80	1117
C. Incomplete Cases*	21	12	16	31	26	29	20	22	22	28	20	17	264
D. Fee Payments*	1970	1617	2294	2082	1947	1830	1736	1817	1667	1748	1543	1710	21961
E. Mediations	18	23	23	18	24	39	45	42	18	22	17	8	297
F. Due Process-Special Ed	21	20	30	19	18	27	27	40	11	14	10	10	247
TOTAL RECEIVED	3822	4000	5380	4141	4482	4431	3778	4547	4164	3889	3481	3461	49576
III. CASES SCHEDULED													
A. Heard in Full	1769	1912	2750	2316	2281	2484	1974	2215	2314	2020	1813	1713	25561
B. Special Ed Heard in Full	3	6	9	2	4	3	4	1	3	5	1	2	43
C. Record Review	0	2	2	5	3	0	1	2	1	3	1	0	20
D. Hearing Continued	73	62	101	100	103	128	78	91	95	102	103	92	1128
E. PHC Heard	27	24	25	26	21	25	15	23	26	18	23	30	283
F. Motion Heard	2	0	1	7	1	1	1	4	3	2	4	3	29
G. Mediation Heard	10	9	14	7	13	14	12	27	13	8	8	7	142
H. SC Heard	69	89	100	93	79	93	95	90	54	86	115	107	1070
I. Postponed	949	886	690	606	600	750	590	728	723	640	554	616	8332
J. Default	346	316	367	328	339	319	235	343	326	315	333	395	3962
K. Failed to Appear (MVA)	215	161	178	160	125	171	141	157	175	148	95	133	1859
L. Scheduled but not Heard	1496	1350	1694	1359	1540	1497	1323	1653	1470	1472	1594	1437	17885
TOTAL SCHEDULED	4959	4817	5931	5009	5109	5485	4469	5334	5203	4819	4644	4535	60314
IV. DISPOSITIONS													
A. Decisions	247	213	262	245	223	302	234	352	267	254	337	253	3189
B. Bench Decisions	2	2	5	7	1	5	1	8	2	2	2	2	39
C. Special Ed Decisions	1718	1863	2587	2283	2153	2395	1885	2064	2200	1852	1627	1579	24206
D. Defaults	271	246	282	245	261	185	197	208	178	243	197	126	2639
E. Untimely	7	5	5	10	11	2	8	12	8	13	2	4	87
F. Untimely (MVA Only)	84	84	58	85	91	70	67	67	60	61	57	57	841
F. Not Settled(MSDE-MED)	3	1	3	3	3	4	1	11	5	2	1	3	40
G. Withdrawn/Settled/ Cancelled/Dismissed/ Reinstated/Duplicate	1510	1401	1821	1463	1524	1573	1368	1649	1393	1480	1510	1376	18068 0
TOTAL DISPOSITIONS	3842	3815	5023	4341	4267	4536	3761	4371	4113	3907	3733	3400	49109
V. CASES CARRIED OVER TO THE FOLLOWING MONTH	7115	7300	7657	7457	7672	7567	7584	7760	7811	7793	7541	7602	

* Incomplete and Fee cases are not calculated in "TOTAL Received".