

Bell Praises Baltimore City Circuit In Third State of Judiciary Address

*Kaplan, Heller and Mitchell Lauded for Clearing Backlog;
New Judges Sought for Worcester County, Family Division*

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In a speech filled with few specifics, the state's chief judge reported to the General Assembly during a joint session that the judiciary is "in excellent functional condition" and stands prepared to meet the challenges of a new century.

Court of Appeals Chief Judge Robert M. Bell asked the legislature to fund one additional circuit court judgeship (for Worcester County), even though he has certified that, statewide, the court needs seven additional judges outside the family division.

Within the family division, Bell called on the legislature to authorize 10 additional judges over two fiscal years.

At the district court level, Bell asked the legislature to fund "12 law clerks to assist 106 judges ... a modest request, indeed."

"With civil jurisdiction in the district court now up to \$25,000, and as the cases become more complex...[they] are also generating more paperwork" and require more legal research and written opinions, Bell said.

"It would be irresponsible for us to go in and ask for 25," because the duties of the new positions need defining, said Chief District Court Judge Martha F. Rasin when asked after the speech if 12 law clerks would be enough.

'Extraordinary efforts'

In his third State of the Judiciary address, Bell gave special attention to a problem that has haunted the Maryland judiciary for a year and which dominated many discussions at the annual judicial conference last fall: the

backlog of cases in Baltimore City.

The city's circuit court was wracked last year by reports of backlogs, especially in criminal

cases, and Judge Joseph H.H. Kaplan stepped down as administrative judge of the court. Judge Ellen M. Heller took over as administrative judge and Judge David B. Mitchell began overseeing the criminal docket. Bell thanked Kaplan, Heller and Mitchell for their "extraordinary" efforts.

"The number of postponements in 1999 was reduced by 32 percent over 1998," Bell said. The number of defendants awaiting trial decreased by 58 percent, while the number of cases pending trial dropped by 51 percent in calendar year 1999.

For the first time since 1995, the Baltimore Court "disposed of more cases than the State's Attorney's Office filed," Bell said.

Bell called the improvements in the Baltimore court a "testament to the dedication and hard work of the judges of that bench, who though unjustifiably maligned, never faltered."

Looking ahead, Bell said he wants to "develop formal continuance policies" and implement a differentiated case processing approach for criminal cases.

Repeating a theme he voiced in his first state of the judiciary address in 1997, Bell supported widespread use of alternative dispute resolution (ADR) as a way of reducing courts' workload. He asked the legislators to fund the ADR pilot projects in courts, communities and schools and to promote ADR when the government enters into partnerships with private businesses.

Teaching people to resolve differences without conflict or going into court is a key ADR goal, said Rachel A. Wohl, who heads the ADR Commission.

The Commission is ready to launch a series of public service announcements, TV and radio ads, and newspaper pieces if the legislature provides funding, Wohl said.

Rodowsky retiring

Bell also noted that on Nov. 10, 2000, Court of Appeals Judge Lawrence F. Rodowsky will reach age 70, the mandatory retirement age for judges. Rodowsky has served on the state's highest court since Jan. 25, 1980, and his departure will mark the end of the era in which Baltimore City had two representatives on the Court of Appeals, Bell noted: "For the first time, Western Maryland...will have its own."

A key legislator expressed his approval for Bell's speech.

"I think it was a good address," said Sen. Walter M. Baker, D-Upper Eastern Shore, who chairs the Senate Judicial Proceedings Committee. "It was concise and hit the nail right on the head" when it looked at the Baltimore City Circuit Court. "They relieved the backlog."