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Circuit Court for Baltimore City



Judges of the Circuit Court

Honorable Joseph H. H. Kaplan, Chief Judge
Honorable Ellen M. Heller, Administrative Judge

Honorable Thomas E. Noel	Honorable Alfred Nance
Honorable Clifton J. Gordy, Jr.	Honorable Marcella A. Holland
Honorable John N. Prevas	Honorable M. Brooke Murdock
Honorable John C. Themelis	Honorable Stuart R. Berger
Honorable Paul A. Smith	Honorable Wanda K. Heard
Honorable Joseph P. McCurdy	Honorable Audrey J. S. Carrion
Honorable Martin P. Welch	Honorable Kaye Allison
Honorable Carol E. Smith	Honorable John M. Glynn
Honorable Albert J. Matricciani, Jr.	Honorable John P. Miller
Honorable David W. Young	Honorable Lynn K. Stewart
Honorable Bonita J. Dancy	Honorable Shirley M. Watts
Honorable Thomas J. S. Waxter, Jr.	Honorable Edward R. K. Hargadon
Honorable Evelyn O. Cannon	Honorable Althea M. Handy
Honorable Allen L. Schwait	

Visiting Retired Judges

Honorable Paul E. Alpert	Honorable Marshall A. Levin
Honorable Roger W. Brown	Honorable Joseph I. Pines
Honorable John Carroll Byrnes	Honorable Richard T. Rombro
Honorable Hilary D. Caplan	Honorable David Ross
Honorable Kathleen O’Ferrall Friedman	Honorable Thomas Ward
Honorable Robert I. H. Hammerman	

Masters of the Circuit Court

Master Bradley O. Bailey	Master Kathryn E. Koshel
Master Robert L. Bloom	Master Richard D. Lawlor
Master Claudette M. Brown	Master Zakia Mahasa
Master Patricia L. Brown	Master Susan M. Marzetta
Master James P. Casey	Master Christopher L. Panos
Master Theresa A. Furnari	Master Gregory Sampson
Master Linda A. Koban	

Administrators of the Circuit Court

Beverly B. Carter, Esq.
Court Administrator

Stephanie Ennels
Associate Administrator, Finance

Marilyn F. Bentley
Associate Administrator, Civil

Raphael C. Ortiz,
Associate Administrator, Criminal

T. Sue German
Associate Administrator, Family

A. Dale Hendrick
Associate Administrator, Juvenile

Neil Moores
Director, Information Technology

Court Medical Office

Thomas J. Oglesby, M.D., Chief Medical Officer
Beverly F. Wise, LCSW-C, Administrative Director

Tonya D. Tuggle, M.D., Director, Juvenile Medical Section
Frank Eisenberg, M.D., Psychiatrist

Harriet S. Miller, Ph.D., Psychologist
Lawrence D. Heller, Ph.D., Psychologist
Patricia J. Lackey, Ph.D., Psychologist
Jay I. Levinson, Ph.D., Psychologist

Yvonne D. Davis, LCSW-C, Coordinator, Community Affairs
Brenda S. Harriel-Timons, LCSW-C, Coordinator, Juvenile
Medical Section

Jane Tambree, LCSW-C, Coordinator, F.A.S.T. Program
Kreista D'Aiello, LCSW-C, Social Worker
Isadora Ferraro, LCSW-C, Social Worker
Taraneh Baker, Addictions Counselor
Leonard Bracy, Case Worker
Shari Norris, Social Worker
Scott Soud, Masters in Counseling

Clerk of the Court

Frank M. Conaway

Sheriff

John W. Anderson

INTRODUCTION

This is the fourth annual State of the City Docket. During 2002, the Circuit Court for Baltimore City continued to implement new initiatives in the face of ever-increasing caseloads. Without question, it is the busiest court in Maryland. Nevertheless, the challenge to process cases in a timely and fair manner has stimulated our creativity!

- The civil docket is about to implement a new mediation program for medical malpractice and professional liability cases.
- The Business and Technology Case Management Program has become operational.
- In the Family Division, the Court Ordered Settlement Conference was reorganized so that family law volunteers would have an opportunity to meet with the parties and attempt settlement in appropriate cases. In early 2002 a children's waiting room became available and toys and games were purchased and donated for the room by the Young Lawyer's Division of the Baltimore City Bar Association. In order to provide more information to the many *pro se* litigants in the Family Division, a new "how to" informational brochure was revised.
- On the criminal docket, a computerized statistical program became available in August 2002 providing monthly reports on the number of filings, reasons for postponements, and the measurement of time intervals between phases of a case. The program has significantly assisted the analysis of the docket flow.
- Finally, the Juvenile Division was able significantly to reduce its termination of parental rights caseload and also shorten the court process for delinquency cases.

I mention these new initiatives only to whet the readers' appetite to read the Report and to learn, in greater depth, of these new programs.

Without question, the court has many difficult problems. But, all of the judges are dedicated to the task of ensuring that every individual in need of the court's services can have confidence that there is equal access to the law and due process, and that problems will be resolved in a fair, equitable, and timely manner. Simple words and a formidable task – but this Annual Report demonstrates that the court is keeping its commitment to the citizens of Baltimore City.

Ellen M. Heller
Administrative Judge

Spring, 2003

CIVIL DIVISION – NON-DOMESTIC

Honorable Carol E. Smith, Judge in Charge
Honorable Albert J. Matricciani, Dir., Business & Technology Program
Honorable Kaye Allison, Discovery Judge
Marilyn Bentley, Associate Administrator

GENERAL STATISTICS

During calendar year 2002, there were a total of 14,690 civil case filings which represent a slight decline from the 14,913 filings in 2001. The primary category that decreased was habeas corpus petitions filed by inmates. During 2001 there were 2,915 filed in contrast to the 2,452 filed in 2002. There was also a decrease in the number of foreclosure cases filed with 5,554 being filed in 2001 in contrast to 4,966 in 2002. However, generally there was an increase in civil filings, including administrative agency appeals, complaints for ejectment, motor torts, medical malpractice and other tort actions. What was significant for 2002 was that the court was able to close more cases than those filed – 14,967 civil cases were closed. This is a good indicator that the court is able to dispose of its cases in a timely manner. Even better, a case standard review has indicated 94% of Baltimore City's civil cases are closed within the State standard (18 months).

ALTERNATIVE DISPUTE RESOLUTION

Alternative dispute resolution continues to be a high priority for the civil docket. There are now several ADR programs that provide an opportunity for litigants to resolve their disputes prior to trial and avoid the expense and burden of trial.

MEDIATION PROGRAM

In November 1999, the court began a mediation program for a certain category of cases which included: business, commercial, employment (including worker's compensation), environmental, and contract cases. Our latest statistics reveal that since that time 507 cases have gone to mediation and of them, 225 have settled or 44.4%. This does not include an additional 227 (13.7%) cases that were scheduled for mediation but were settled or dismissed before the mediation session. In other words, for cases referred to mediation, 58.1% of the cases settled before the end of discovery!

RESEARCH STUDY OF WORKER'S COMPENSATION CASES

Indeed, in July 2002 the Maryland Judiciary's Mediation and Conflict Resolution Office (MACRO) released the results of a year-long study of 400 worker's compensation appeals filed in this court. That study showed that cases referred to mediation spent less time in the judicial system overall and that fewer notices of discovery were filed in the mediated cases. In other words, on the average, mediated cases spent less time on court dockets and involved fewer hours of lawyers' time. In particular, the study revealed statistically significant differences between the mediation group of cases and the control group as follows:

- Approximately 24% of the cases in the mediation group were disposed of prior to the discovery deadline compared with only 11% in the control group.
- About 42% of the cases in the mediation group were disposed of prior to their scheduled settlement conferences compared to only 28% in the control group.
- Of the 197 cases scheduled for trial prior to July 1, 2001, 82% in the mediation group resolved prior to trial compared with 70% in the control group.
- Only 37% of cases in the mediation group had two or more notices of discovery compared with 56% in the control group.

This MACRO-sponsored research project conducted by the Maryland Institute for Police Analysis and Research at the University of Maryland showed, as we have long suspected, that using mediation results in significant benefits for the court and litigants.

MEDICAL MALPRACTICE AND PROFESSIONAL LIABILITY

In the very near future, the court is initiating new mediation programs for professional liability and medical malpractice cases. Meetings were held with ad hoc committees of experienced attorneys in these cases and with their full support and input, two specialized mediation programs were developed. These programs will use mediators with significant experience in the active practice of medical malpractice law or in the professional arena which is the subject of the professional liability dispute. As with the regular mediation program, mediation will be concluded early in the schedule of a case.

BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM

In October, 2003, the Court of Appeals of Maryland adopted Md. Rule 16-205, establishing the Business and Technology Case Management Program in the circuit courts. Effective January 1, 2003 the program became operational throughout the state.

The Circuit Court for Baltimore City has played a leadership role in developing the Business and Technology Case Management Program. Its Advisory Council has been working with the Court for several years to create a system for the management and trial of complex business and technology matters. The Director of our program, Judge Albert Matricciani, has served on the statewide Implementation Committee appointed by the Conference of Circuit Judges and he has played a key role in developing the new rules for alternative dispute resolution for the program, in planning the training of the designated business and technology judges and has authored already a number of opinions in cases assigned to the business and technology program, which can be located at our website, www.baltocts.state.md.us.

Administrative Judge Ellen M. Heller has also designated Judges Evelyn Omega Cannon and Kaye Allison to hear business and technology cases. Judges Matricciani, Cannon and Allison have already undertaken four days of sophisticated training at the Judicial Institute and are looking to implementing an e-filing system in our court and to introducing the use of new technologies in their management and trial of cases assigned to the program. To date, over a dozen cases have been so assigned and are spread among the three designated judges.

Each specially assigned judge will handle the cases from beginning to end, starting with an early scheduling conference, hands-on management of the discovery process, setting briefing schedules for early dispositive motions and exploring with counsel the usefulness of various dispute resolution techniques. The designated judges confer with one another on a regular basis about legal issues in the areas of business and technology and share information and experiences in an effort to assist one another with the resolution of assigned cases. The Court plans to dedicate a location or center for the development of an archive of materials to support the program and will begin this summer with its first series of symposia on significant business and technology topics, to be conducted by and for both the bench and the interested members of the bar.

This specialized civil docket presents new and interesting challenges for our Court and has been endorsed enthusiastically by the lawyers and business litigants involved in the assigned cases.

ASBESTOS

In October 1999, the court initiated meetings with the asbestos bar to better schedule the large backlog of cases which had been lingering on its docket. As a result of those meetings, scheduling orders were developed and a case management plan which resulted in the regular scheduling of asbestos cases. The court has continued to meet with an ad hoc working group of asbestos counsel in order to review the scheduling order, make modifications, and provide for areas of concern such as discovery and a revised e-filing managerial plan.

Further, the court has established an asbestos “motions” judge, Judge Stuart R. Berger, to hear preliminary motions and discovery disputes earlier in the cases. The asbestos cases continue under the overall general direction of Judge Richard T. Rombro.

MD RULE 2-507

In October 2002, as a result of a Caseflow Management Workshop held by the Administrative Office of the Courts, the court initiated a program under Md. Rule 2-507(b) under which a notice of contemplated dismissal is served on all parties advising that an order of dismissal for lack of jurisdiction will be entered in cases in which a defendant has not been served at the expiration of 120 days after the issuance of original process directed to that defendant unless a timely motion for deferral of dismissal is filed, indicating good cause for the lack of service. This program is in addition to the long-standing one the court has had under 2-507(c) where notices of contemplated dismissal have issued for lack of prosecution at the expiration of one year from the last docket entry. The new program has met with a good

response from the Bar, and appears to be encouraging earlier service of defendants. To put it another way, this new initiative is encouraging the parties to bring their cases “at issue” and resolve their disputes in less time.

CIVIL CASE TRAINING

During the summer months of July and August, the Court presented a series of training classes for the Civil Clerks Office. An excellent manual and reference guide was published (which could be used in other Maryland Courts as well). Those who taught the courses were: Judges Ellen M. Heller, Carol E. Smith, Kaye A. Allison, David Ross and Julia Andrew, Assistant Attorney General. The sessions were well attended and there was general agreement that the clerks had a better understanding of the papers that are processed in the “life cycle of the civil case.”



FAMILY DIVISION - DOMESTIC

*Honorable Marcella A. Holland, Judge in Charge
T. Sue German, Associate Administrator*

MISSION

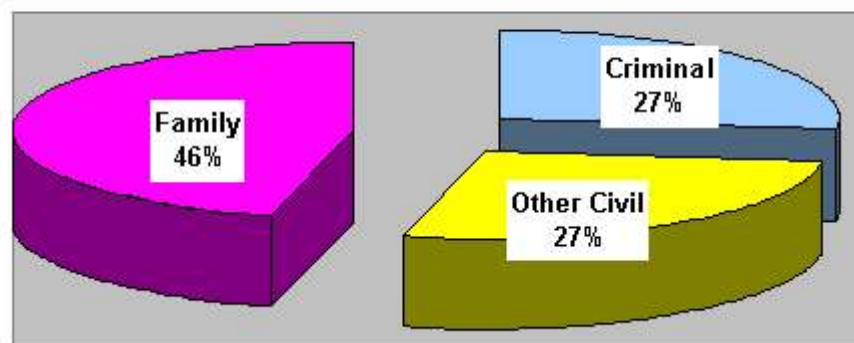
The Family Division of the Circuit Court for Baltimore City exists to serve families in crisis. Substance abuse, domestic violence, child abuse and a plethora of other social problems are increasingly prevalent in large urban populations like Baltimore City. Nonlegal issues are frequently at the heart of the legal disputes that parties bring to the court.

The Family Division of the Circuit Court for Baltimore City focuses on assisting families in crisis with obtaining necessary services while efficiently managing and effectively adjudicating their legal disputes. The ultimate objective of the division is to use programs, services, community resources, and specialized personnel to address underlying family problems in order to obviate the need for future legal intervention.

OVERVIEW

During FY02 95,036 family cases were initiated in Maryland. According to statistics furnished by the Department of Family Administration, this represents 63% of all civil legal matters and 46% of overall Circuit Court caseload.

Statewide Caseloads



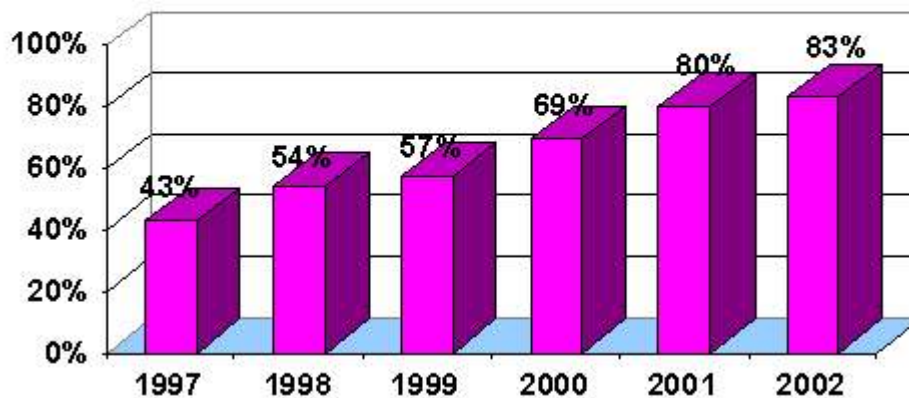
Baltimore City reported 12,757 new or reopened filings in family cases, which represents 13% of all statewide family filings.

PROGRAMS AND SERVICE

LEGAL ASSISTANCE

One of the greatest challenges facing the family division continues to be providing access to the courts for litigants without legal representation. In fiscal year 2002 (July 1, 2001 - June 30, 2002) at least one pro se litigant appeared in approximately eighty-three percent (83%) of the cases filed in the division. This represents an overall increase of 40% in the past six years.

**Percentage of Pro Se Litigants
by Year**



Consequently, the first service often used by litigants is the **Pro Se Litigation Project**. In FY02, 6,109 persons sought assistance from the project.

EDUCATIONAL SEMINARS

Protecting and nurturing children is a fundamental tenant of the family division. In 2002, fifty-five percent (55%) of cases filed involved children in the litigation, either directly (custody, visitation, and child support cases) or indirectly (divorce). Consequently, a co-parenting education seminar continues to be one of the most effective services offered. The goal of COPE is to focus parents toward the best interests of their children and away from the personal conflicts that harm those children. This revised focus creates a better home environment for children and incidentally leads to more effective disposition of cases. Sheppard Pratt Community Education Programs conducts the seminars under a contractual agreement with the family division

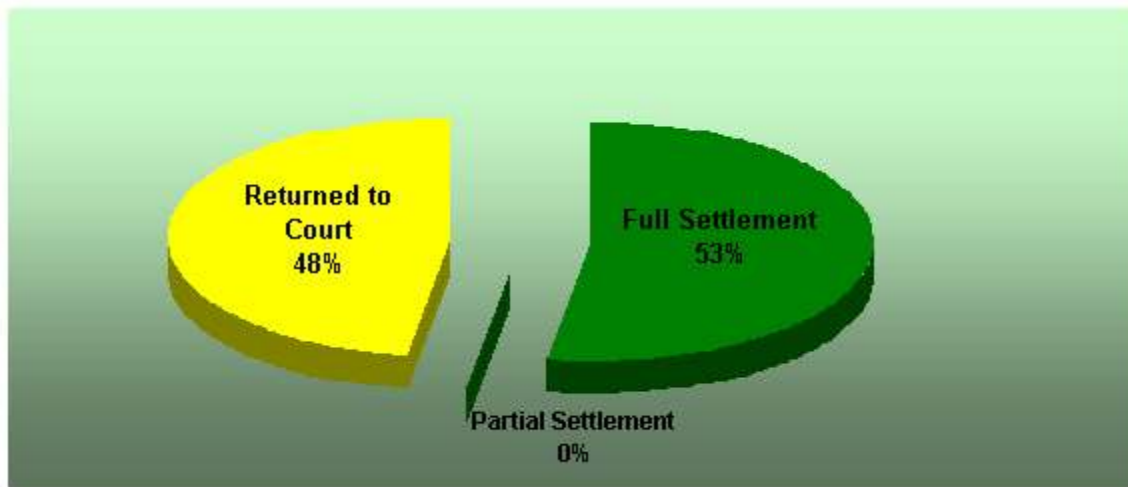
Of a total of 580 custody, visitation and child support cases reviewed by the Administrator in 2002, sixty-three (63%) of active cases involved parents who had never been married. **SHAPE** seminars were introduced in 2000 to address the unique issues that surface when parents share a child but not a long-term relationship. **SHAPE** focuses primarily on

dispute resolution skills including negotiation and collaboration and development of effective parent-to-parent and parent-to-child communication skills. Approximately 1,275 individuals were scheduled to attend parenting education classes in the last year.

As part of the larger effort to nurture and protect children, who are involved in contested divorce cases, a psychoeducational program for children of divorce began in December of 1998 as a complement to the COPE program (**Kids COPE**). In 2000 a concomitant children's group was added to the SHAPE program (**Kids in SHAPE**). In FY02, 193 children were scheduled for the two children's groups.

MEDIATION AND ALTERNATIVE DISPUTE RESOLUTION

The Family Mediation Service is a critical adjunct to the family division's store of services. **Mediation** facilitates the resolution of disputes beyond the courtroom; thus sparing families the acrimony that is often spawned by litigation. In addition, since mediation requires parents to participate in decision making regarding their children, it frequently fosters a spirit of cooperation that continues future interactions. In FY02, 139 cases were ordered to mediation by the court. Of the cases ordered to mediation, 64 were actually mediated. Of the 64 cases mediated, the parties reached a full agreement in 34 cases (53%) no partial agreements, and 30 (48%) cases were returned to the court.



Percentage of Mediation Settlements

One of the guiding principles of the family division is to promote settlement by providing numerous opportunities for litigants to address contested issues. One such forum is the **Court Ordered Settlement Conference**. Members of the Bar with demonstrated experience and interest in family law volunteer to meet with parties and their attorneys (if applicable) and attempt to arrive at a settlement or to narrow the issues which require a court determination. The program was reorganized and renamed in FY02. An action plan was created and two staff members from the Family Division took on the responsibilities of scheduling volunteers, scheduling cases, file procurement and other general oversight functions

in an attempt to make the program run more smoothly. Feedback on the changes in the program has been extremely positive.

EVALUATIONS

Judges and Masters often refer litigants to the **Medical Services** office for an **Custody Evaluation** or **Visitation Evaluation** when custody or visitation is contested. Personnel from Medical Services interview each party and the child(ren) involved. Reports are submitted to the court, which are of great assistance to a Judge when determining best interests of a child or children. In FY02, 117 cases were referred to Medical Services for custody evaluations.

SAFETY FOR CHILDREN

The **Supervised Visitation Program** was created to provide a place where non-custodial parents can interact with their child(ren) in an environment that is safe and comfortable for both parent(s) and child(ren). The program is especially valuable in cases where a parent/child bond needs to be established or reestablished. In FY02, 201 supervised visits occurred with 203 children utilizing the program. Out of a total of 84 cases, visits were completed as ordered in 26.

The **Neutral Exchange Program** is an adjunct to the Supervised Visitation Program. The exchange of children for visitation is often a volatile event, because angry and/or confrontational parents are forced to interact on a regular schedule. In the worst case, this interaction places one of the parties in physical danger (domestic violence). The Child Exchange center provides a safe and sane place for the exchange of children for visitation. There were 411 actual exchanges in FY02, with 97 children utilizing the program. 20 cases were closed because the exchanges were completed as ordered.

DOMESTIC VIOLENCE

The **Domestic Violence Ex Parte Project** operates pursuant to a partnership with the University of Maryland School of Social Work. Social work interns from the school commit to a field placement with the Court to provide services to *ex parte* petitioners. The interns are supervised by the Deputy Director of Medical Services for the Circuit Court for Baltimore City and the Domestic Violence Case Coordinator. In FY02 a total of 357 petitions for *ex parte* relief were filed with the assistance of the project.

Grant funding to the Women's Law Center from the Violence Against Women Act provides **free legal representation** to victims of domestic violence at Protective Order hearings. Thus, vulnerable petitioners receive skillful and affordable representation from the **Protective Order Representation Project**. In FY02, the project served a total of 236 clients. 142 cases were for Protective Orders. Of the cases involving Protective Orders, eighty-nine percent (89%) resulted in issuance of a Protective Order, with sixty-nine percent (69%) of the Protective Orders issued by consent.

INITIATIVES

WAITING ROOMS

It is not healthy for children to witness the acrimony between parents in contested cases. Because there has been no place for them to go, children have in the past been subjected to courtroom proceedings or forced to remain on a bench outside the courtroom. In an ongoing effort to protect the children of Baltimore, the Family Division now contains a **Children's Waiting Room** and **Parent's Waiting Room**. The Parent's Waiting Room is currently open for use by parents who are waiting with children. Toys and games have been purchased and the room is in daily use.

The Children's Waiting Room became available in January, 2002. A Coordinator was hired, toys and games were purchased and donated by the Young Lawyers Division of the Baltimore City Bar Association.

ART IN THE COURT

In an ongoing attempt to emphasize the importance of children to the Family Division, a community partnership has been formed with the **Maryland Institute College of Art** (MICA). The partnership resulted in establishment of two projects in FY02.

Artwork produced by Baltimore City school children enrolled in after school programs is framed and hanging in the main corridor of the Family Division. The artists and families were acknowledged at an "Opening" in May 2001. New artwork has been selected and another celebration of the children's contribution to the spirit of the Family Division is scheduled for early spring, 2003.

Approximately two years ago a committee of judges, masters and other interested persons met with the **mural painting** class from MICA. A design was selected and work on the mural was largely completed during this fiscal year. The last touches were applied to the mural in late September. A reception honoring the artists will be held sometime in the near future.

MVLS "FREE" GUARDIAN AD LITEM SERVICES FOR CHILDREN

In many cases, lack of representation is due to limited monetary resources on the part of one or both parties. When custody or visitation is contested that same lack of resources means that the children also go unrepresented.

In FY02 Maryland Volunteer Lawyer Services received grant funding to create a program to provide Guardian Ad Litem representation for children in contested custody/visitation cases. MVLS trains volunteer attorneys and coordinates assignment with the court when a judge or master deems that representation for a child is appropriate. This program provides a voice for children when a lack of resources might otherwise force them into silence.

BROCHURES

In FY02, with the aid of a law student intern, the Division began to evaluate the availability of written materials for litigants. An existing “how to” informational brochure was revised to provide additional information in a more reader friendly format.

FAMILY DIVISION PICNIC

On September 8, 2002 the Family Division hosted the 1st Annual Picnic. For the first time, division personnel met outside the formal work atmosphere. Between 75 and 100 persons attended and it is anticipated that the picnic will become an annual event.



FAMILY LAW SYMPOSIUM

In FY00 the Family Division in partnership with the University of Baltimore School of Law and University of Maryland School of Law created a Family Law Symposium, which is held in the fall. It presents “cutting edge” legal theory and practical advice for legal professionals and provides an opportunity for academics, legal professionals and members of the judiciary from across the state to meet and discuss issues of interest.

The Symposium in 2002 was a collaborative effort with the opening to the Center for Children, Families and the Courts at the University of Baltimore School of Law. Topics of discussion included “Therapeutic Jurisprudence” and “The Role of the Lawyer in Mediation”.

PLANNED PROGRAMS

PARENTING PLAN PILOT PROJECT

In 2003 the division is making plans to implement a pilot project to study the effectiveness of parenting plans in cases with contested custody and/or visitation issues. Plans are underway to create a program whereby parties are urged to work together in the best interests of their children while also creating an evaluative tool to measure the success of the pilot project.

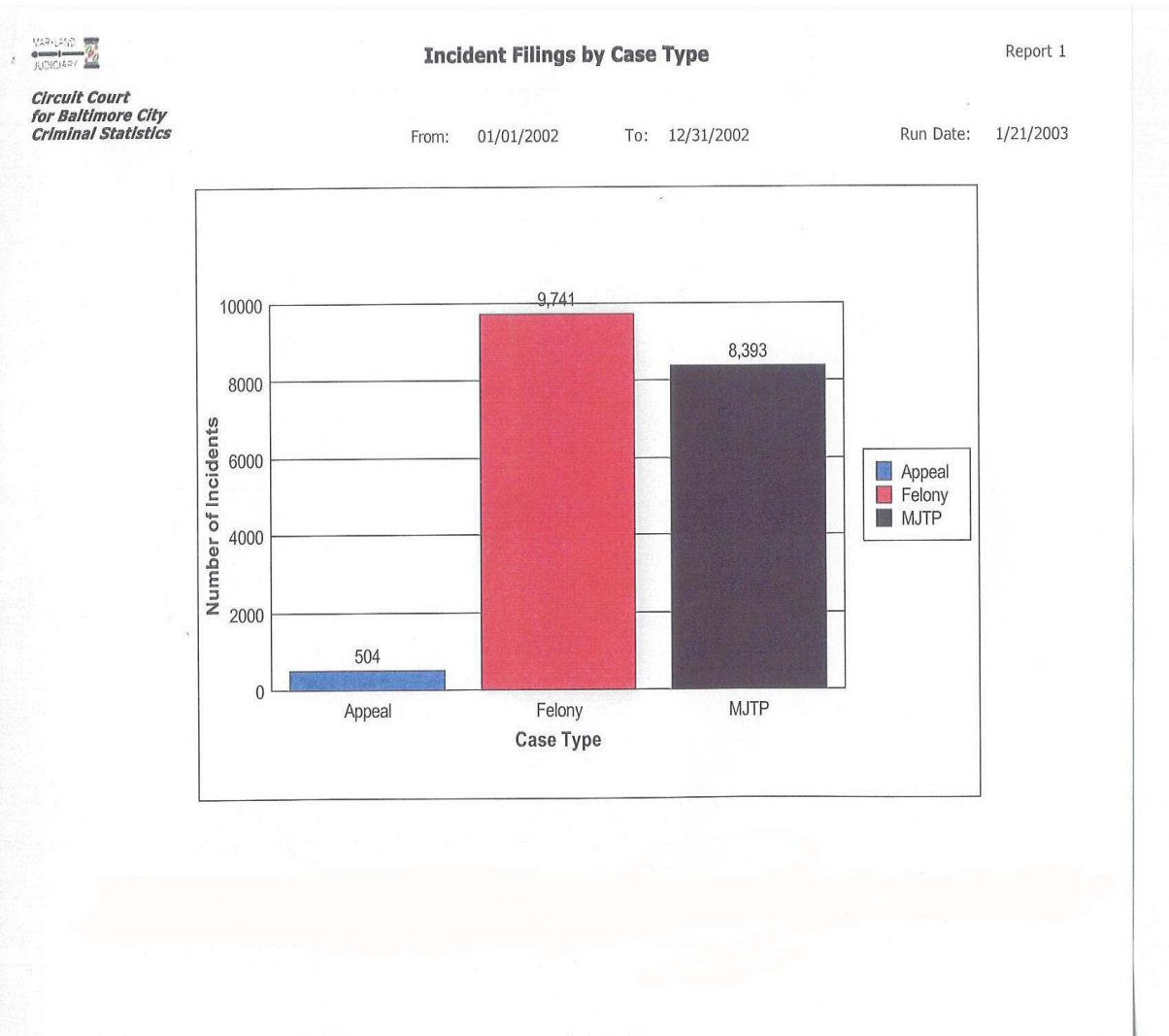
IN-HOUSE MEDIATION

In FY03 the Division expects to pilot an “in-house” mediation project. Litigants who have previously been excluded from the existing mediation program because of a lack of resources will meet with a trained volunteer mediator after one of the hearings in their case. This program will make mediation services more readily available.

CRIMINAL DIVISION

Honorable John M. Glynn, Judge in Charge
Honorable John P. Miller, Misdemeanor Coordinator
Honorable Thomas E. Noel, Drug Treatment Coordinator
Honorable Lynn K. Stewart, Juvenile Waivers and NCR Filings
Rafael Ortiz, Associate Administrator

Historically, the Circuit Court for Baltimore City has ranked first among all other Maryland jurisdictions in criminal case filings in both felony and non-felony cases. This year saw a significant increase in the number of felony and misdemeanor filings. For example, during the calendar 2001 year, there were 8,942 felony filings and 7,012 misdemeanor “jury trial prayer” cases and 540 criminal appeals. During 2002, there were 9,741 felony filings and 8,393 misdemeanor filings—over 1,000 additional filings in each category. These numbers are a result of increasing arrests and new charges being filed in Baltimore City and reflect the aggressive campaign by the criminal justice agencies to reduce violent crime and drug cases. Inevitably, the large felony and misdemeanor filings and the limited number of judges, prosecutors and defense attorneys in the system, present considerable challenges to the ability



of the court to dispose of cases on an initial trial date and to reduce postponements.

HIGHLIGHTS OF 2002 INITIATIVES

Nevertheless, the court continues the aggressive measures it has implemented during the past four years. Specifically, this year saw the following measures adopted:

- *Creation of Management Team of Judges (Dec. 2002)*
- *VOP Delegation Protocol for Early Resolution Court (Nov. 2002)*
- *Court Review of Older Cases (Sept. 2002)*
- *Computerized Statistical Program (Aug. 2002)*
- *Revised Protocol for Pre-Trial Conferences in Track C and D Cases (Jul. 2002)*
- *Revised Processing of Motions to Transfer Jurisdiction to Juvenile Court (Apr. 2002)*

STATISTICAL PROGRAM

With input from representatives of the State's Attorney's office, the Public Defender's Office, the Clerk's Office, and JIS, the Court now has a statistical program which assists in the evaluation and management of the criminal docket. On a monthly and quarterly basis reports are generated which measure the time it takes to go to trial; the measurement of time intervals between phases of a case, e.g., arraignment, trial, and disposition; the number and reasons for a postponement; and information regarding the pending and closed dockets.

REVIEW OF OLDER CASES

Beginning September 2002, the Judge in Charge of the Criminal Docket began reviewing older felony cases on a weekly basis in order to ensure trial dates were set and to assist in resolution.

VOP DELEGATION IN EARLY RESOLUTION ("ER") COURT

In November 2002, the Court approved a policy for VOP delegation in Early Resolution District Court ("ER Court") which provided that individuals charged with certain nuisance cases and petty misdemeanors who are on probation to a circuit court judge would not be violated on the probation if that defendant wished to dispose of his or her case at ER Court. This initiative was undertaken in order to encourage earlier resolution of cases involving minor crimes.

TRANSFER OF JURISDICTION TO JUVENILE COURT

In order to ensure that hearings on motions to transfer jurisdiction to juvenile court were scheduled sufficiently in advance of a trial date, protocol was changed and currently a judge is overseeing the processing of those motions.

At the same time, the court continued successful programs that had been implemented during the last few years. These are:

- *Strict Postponement Policy*
- *Central Arraignment Court*
- *Discovery Court*
- *VOP Liaison Projects*
- *DCM Case Management System*
- *Month-At-A-Glance Calendar*
- *Increased Video Bail Reviews*
- *Police Liaison Project*
- *Pre-trial Conferences*
- *New Computerized Postponement Forms*

All of these programs have as their core objectives, fairness and delay reduction in the processing of criminal cases. During 2003, the court is contemplating new programs to more efficiently process its cases which include: *central assignment of serious felony cases; drug treatment alternatives for seriously addicted individuals charged with non-violent felony crimes; a pre-trial motions docket; and a morning criminal administrative court.*

NEW INITIATIVES FOR 2003

ALTERNATIVE PROGRAMS FOR DRUG OFFENDERS

During calendar year 2002 there were 7,342 criminal felony incidents arraigned. Of this number, 4,787 were felony narcotic crimes or 65.2%. In other words, the felony narcotics charges constituted over 2/3 of the Circuit Court's docket. Under the proposed program, appropriate offenders with severe addictions would voluntarily enter in a guilty plea and receive a suspended sentence on a condition of participation in long term drug treatment (residential and community programs); educational and work training; and community service. Currently, the Baltimore Substance Abuse Systems ("BSAS"), has applied for a grant that would provide for assessors to be located in the courthouse and to assist with the placement of defendants into these programs.

CENTRAL ASSIGNMENT FOR CERTAIN FELONY CRIMES

Certain cases involving serious felony crimes will be centrally assigned for the day of trial rather than to a particular court. This pilot program is being undertaken to give priority of trial slots to the most serious cases. It is anticipated that this program will provide not only earlier resolution of serious cases, but also provide reliable trial dates.

CRIMINAL MOTIONS DOCKET

During calendar year 2002, only 5.3% of the felony filings were disposed of by jury trial with another 0.2% by a court trial. Of the total filings, 62.9% resulted in guilty pleas; 16.9% were nolle prosequi; and 12.9% were set aside. In view of these numbers, and at the

suggestion of a court management expert from the National Center for State Courts, a motions docket will be initiated to provide a scheduled court event between felony arraignment and the scheduled trial date. This court event would encourage the disposition of cases prior to the trial date and be an opportunity for rulings on pre-trial motions and presentation of guilty pleas.

MISDEMEANOR TRIAL COURT

There has been a significant increase in the number of misdemeanor “jury trial” cases since 1998 which has had a major impact on the ability of the court to process its felony docket.

2002	2001	2000	1999	1998
8393	7012	6258	5410	5909

The court is currently using three judges, who otherwise could be presiding over felony trials, to process these cases. Efforts to lessen the number of misdemeanor jury trial prayers are underway, but new initiatives may require legislative and rule changes.

SENTENCING

Information compiled by the State Commission on Criminal Sentencing Policy indicates that sentences for violent offenses generally, and for violent offenses with firearms in the Circuit Court for Baltimore City, have increased since 1997. Significantly, comparing our court with Maryland’s other seven circuits reveals that in FY 2001 (the one year for which there was complete data at the time of the Report) for most offense types, the Eighth Circuit (Baltimore City) judges after trial sentenced violent crimes generally, and those with firearms only, above the State average. The Commission Report indicates Baltimore City judges do sentence under guidelines in drug felony cases, but the primary reason is the widespread utilization of drug treatment programs as an alternative to incarceration for appropriate defendants suffering from addiction.

SUMMARY

As this Report indicates, the number of felony and misdemeanor filings in our court has continued to climb. These numbers greatly strain the limited personnel available in the court system, be it judges, prosecutors, or defense counsel. Nevertheless, the court continues to work with the other partners in the criminal justice system in order to create new initiatives that will permit these cases to proceed through the system in timely and fair manner. This year there has been an even greater focus on providing reliable trial dates for serious felony cases and reducing the postponements that have occurred. Unfortunately, there are no magic solutions and until the number of cases begins to decline, the system will continue to be severely challenged.

FAMILY DIVISION / JUVENILE

Honorable Martin P. Welch, Judge in Charge
A. Dale Hendrick, Associate Administrator

STATISTICAL INFORMATION

The Family Division/Juvenile (“Juvenile Court”) continues to be the busiest in this state, representing almost 30% of all statewide filings of new cases. Of the more than 10,500 juvenile arrests during calendar year 2002, approximately 33% involved drug related offenses; 18% involved assaults, and 7% involved stolen automobiles. During calendar year 2002, the court held 62,780 hearings. New filings consisted of 5,726 delinquency petitions, 2,034 child in need of assistance (CINA) petitions, 459 termination of parental rights (TPR) petitions, and 598 adoptions.

During this same period, the Court disposed of 8,004 delinquency cases, 2,016 CINA cases, 725 TPR cases and granted 570 adoptions. Case dispositions for 2002 exceeded new filings by almost 2,500 cases resulting in a disposition to filing rate of more than 128%. The three full-time judges and nine full-time masters continue to preside daily over these busy dockets in an effort to process these cases in a timely and just manner.

BALTIMORE CITY JUVENILE JUSTICE CENTER

The Baltimore City Juvenile Justice Center is expected to be fully operational during calendar year 2003. This new facility will enhance the Juvenile Court’s operational efficiency and effectiveness through consolidation of the various components of the system.

NEW INITIATIVES

_____ In preparing for the relocation to the Baltimore City Juvenile Justice Center, the Juvenile Court continues to work to improve case processing in Delinquency, CINA, TPR and Adoption cases, consistent with national “best practices.” Several measures were initiated during the past year, including:

- Implementation of a detention case conferencing policy that provides a forum for Assistant State’s Attorneys, Assistant Public Defenders, private defense attorneys, the Department of Juvenile Justice, and others to share relevant factual information regarding respondents, in a collaborative effort, to reach an agreement on community-based alternatives to detention that protects public safety and insures the youth’s appearance at subsequent court proceedings.
- Identifying and disposing of numerous open writs and warrants, that for a number of reasons (age of the respondent, age of the offense, inability to locate witnesses, respondents being in custody, etc) needed to be recalled or closed by the court.

- Plans to prioritize writs and warrants to include information as to the seriousness of the offense, the likelihood that the respondent would harm self or others, and the importance the court or other agencies place on the respondent being located and/or placed into custody, to better provide law enforcement agencies a clearer understanding or the level of urgency needed in executing the writs and warrants.
- Establishment of an Instant Paternity Lab at the Clarence Mitchell Courthouse to provide on-site paternity testing for families who are involved in the child welfare system for the purpose of providing factual information concerning the paternity of youth in order for the Court to accurately and fairly make judgments early in cases involving children in need of assistance.
- Development and publication of a policy and procedures manual for the operations of the Juvenile Drug Court, that supports the mission to reduce the prevalence and incidence of drug use and sales by providing youth and their families, through community involvement, with insight, information, education, and guidance necessary to become substance and delinquency free, thereby becoming productive members of society.
- Establishing a protocol for setting the critical “Initial Permanency Planning Hearing Date” at the earliest possible stage in a CINA process in order to achieve permanent placement for affected youth as expeditiously as possible.
- Developing and coordinating a referral system to assist Juvenile Court Judges and Masters, as well as attorneys, Department of Social Services and Department of Juvenile Justice representatives in accessing community-based resources for youth and their families at any stage in the delinquency and child welfare process.

As can be seen from the above initiatives during the past year, the Court continues to work collaboratively with its partners in regard to the December 2000 Memorandum of Understanding for the Baltimore City Juvenile Justice Center. Those partners include: the Maryland Department of Juvenile Justice, the Circuit Court for Baltimore City, the Baltimore City State’s Attorney’s Office, the Office of the Public Defender, the Baltimore City Police Department, the Baltimore City Department of Social Services, the Maryland Department of Human Resources, and the New Baltimore City Board of School Commissioners.

JUVENILE COURT SERVICES

A Services Coordinator for the Juvenile Court, a social work professional, was hired in 2001 to provide community based resources alternatives for youth and their families, provide technical assistance and support to established court services programs, as well as develop and coordinate new programs to assist children and their families at any stage in the delinquency

and/or child welfare court process. During calendar year 2002, the office was expanded to include a full-time Services Specialist and Services Aide as well as four graduate and undergraduate interns from local colleges and universities.

During the past year, the Office of Juvenile Court Services enhanced the efficiency and effectiveness of the Juvenile Court, by:

- Developing and coordinating mediation programs and other alternative dispute resolution mechanisms.
- Revamping referral processes to enhance the coordination of attorneys, families and court dockets.
- Developing a Juvenile Court Grants Committee to identify and pursue new funding sources.
- Developing a partnership with the University of Baltimore Graduate School of Criminology, Criminal Justice and Social Policy to evaluate the efficiency and effectiveness of all court services programs.

In addition, a descriptive resource guide of juvenile court-related services is currently being prepared and will be published within the next few months.

ON-GOING PROGRAMS

JUVENILE COURT EDUCATION LIAISON --BALTIMORE CITY PUBLIC SCHOOL SYSTEM

The Education Liaison works to return court-involved youth to school and articulates the policies and procedures of Baltimore City Public Schools to the Court. For the calendar year 2002, the Juvenile Court Liaison provided assistance for 141 cases involving school age children. Of these cases, 69% were for delinquency, 16% were CINA, and 15% were referrals from the Baltimore City Public School System.

COURT MEDICAL SERVICES JUVENILE

The primary objective of this service is to conduct mental health evaluations and to provide the Juvenile Court with clinical recommendations in a time frame consistent with the upcoming court date. Additional objectives include assessing and facilitating acute psychiatric care hospitalization for children when requested by the Court, training the Juvenile Court Judiciary in mental health issues when requested, and training child psychiatry fellows, as well as psychology and social work interns in forensic evaluations. As of July 1, 2002, the juvenile division of Court Medical began cataloging assessment data and utilizing a computerized database.

JUVENILE DRUG COURT

The Baltimore City Juvenile Drug Court has been in operation since 1998 as the result of a collaborative partnership between the Circuit Court for Baltimore City, the Baltimore City State's Attorney's Office, the Office of the Public Defender, and the Department of Juvenile Justice. Juvenile Drug Court provides comprehensive drug treatment services to adolescent residents of Baltimore City.

The Year 2002 resulted in several enhancements to the Juvenile Drug Court, including:

- The development of a policy and procedure manual.
- Revisions to graduated sanctions.
- Admission of females effective June 18, 2002.
- The entire Drug Court Team participated in a two-day team building session that included an outdoor adventure.

- Graduations were held in April and November for a total of 10 youth.
- A database to track all participants of the Juvenile Drug Court was created. As of December 31, 2002, there were 296 total participants in the Juvenile Drug Court.

JUVENILE COURT EARLY INTERVENTION PROJECT

This program provides quick drug screening via urinalysis, substance abuse assessments, and referral of court involved families to a variety of drug treatment services. During the 2002 calendar year, JCEIP screened 858 clients for substance abuse, 655 of which were adolescents.

COURT APPOINTED SPECIAL ADVOCATES PROGRAM (CASA)

CASA provides a voice for children involved in the Juvenile Court System through the recruitment and training of volunteers who are appointed by the Court to advocate for the best interests of the child. CASA volunteers served 148 children during 2002. During this past year, the Court referred 56 new children and CASA trained 82 volunteers.

CHILD CENTERED MEDIATION PROJECT

This three-year federal grant funded project has partnered with Adoptions Now to advance cooperative permanency planning among the participants in contested termination of parental rights cases.

“ONE CHURCH, TEN FAMILIES” PROGRAM

Sankofa Community Development Corporation, a non-profit organization, received a federal grant from the Department of Labor and Children’s Defense Fund to develop the “One Church, Ten Families” program in Baltimore City. Juvenile Court Services partnered with OCTF to divert first time offenders from the juvenile justice system by implementing mentoring and family support ministries. Referrals are received primarily from the arraignment Judges or Masters. The program expects to serve 30 children a year.

“LINKS” COURT REFERRAL SYSTEM

LINKS court referral system operates out of the Juvenile Court Services office with funding provided by Baltimore Mental Health Systems to link court-involved youth who are at-risk for out of home placement with a variety of community-based mental health resources.

With the assistance of Baltimore Mental Health Systems, LINKS has provided over 150 youths this year with long and short-term respite and other residential treatment programs. The project has referred youth and their families to outpatient mental health clinics, after-school programs, vocational/work programs, as well as mentoring programs.

TRUANCY COURT

Truancy Court is sponsored by Baltimore City Public Schools and aims to reduce truancy rates across city schools. During 2002 the program operated in Harlem Park Elementary and Middle Schools, and Patterson Park, Forest Park and Walbrook High Schools.

INFORMATION TECHNOLOGY

_____ Through the use of information technology, the Juvenile Court continues its efforts to implement new initiatives and evaluate its effectiveness through the use of actual data and analysis. During the past year, the following projects were accomplished:

- Produced and implemented a special program that closed all delinquency and children in need of assistance cases where disposition was completed.
- Produced and implemented a special program to download appropriate data from the court’s case management system for display on an Informational Docket Board to assist individuals on the time and location of their hearings at the Baltimore City Juvenile Justice Center.
- Created a series of statistical bar charts to present certain specific activity of the Juvenile Court operations.
- Established, in collaboration with various court-related agencies, a wide area network (WAN) infrastructure that will provide access to electronic City and Statewide resource information.
- Expanded the scope of remote connectivity to the Juvenile Courts case management system to various court-related agencies.

NEW COURTHOUSE INITIATIVES

LOBBY DISPLAY BOARDS

In April 2002 the court made available two automatic display boards in the lobbies of Courthouse East and the Clarence M. Mitchell, Jr. Courthouse which contain the names of all proceedings with their location and time. An Information Specialist has been stationed at each of these display boards in order to provide additional information and respond to questions. The display boards and the Information Specialists have been received with great favor by both members of the lay public and counsel. With a quick look at the board, one knows where to go. Further, the Information Specialist has a computer terminal which can quickly assist in the answering of most questions. Certainly, our courthouses have become much more “user friendly” with the availability of this daily information.



COURTHOUSE NEEDS ASSESSMENT

In November 2002 the Final Report of the Courthouse Needs Assessment by Richter Cornbrooks Gribble and Ricci Associates was issued. Some of the salient conclusions of that Report are:

- Lack of adequate space in courthouses to accommodate modern courthouse functions and projected staffing levels.
- “Critical deficiency” in security and the lack of separation for the public, prisoners, and staff.
- Obsolete HVAC systems and poor air quality in both courthouses.
- Inadequate and energy inefficient lighting.
- Inadequate fire alarm system that violates code.
- Frequent breakdown of elevators.

The Report recommended:

- The restoration and modernization of the Clarence M. Mitchell, Jr. Courthouse as a civil and family courts facility.
- The renovation of Courthouse East as a governmental office building occupied by the State’s Attorney, Clerk and other city and State agencies.
- The construction of a new 340,000 square feet criminal courts building on a nearby site.

Currently, there is a study underway for a site location, as well as an economic impact analysis.

INFORMATION TECHNOLOGY

Recognizing the role technology will have in court management and litigation, the court created a position for Director of Information Technology which is held by Neil Moores. Under his leadership, connectivity to the FAST Program in various locations across Baltimore City have been accomplished. During 2003, Mr. Moores is exploring the establishment of a technology court to assist in the presentation of evidence in trials and the development of statistical programs for the civil and family divisions.

Judge Wanda K. Heard, the chair of the court's Technology Committee, spearheaded a project resulting in major revisions to the court's web page. She was assisted by Mr. Moores and student interns from the University of Maryland Baltimore County Campus. See www.baltocts.state.md.us. The web page is now able to provide daily emergency announcements, as well as information for jurors who are summoned for jury duty. It also publicizes judicial opinions.

JURY IMPROVEMENTS

Under the leadership of Judge M. Brooke Murdock, this year has seen the continuation of new initiatives to improve the jury system. One big improvement has been the ability to update biographical information on jury lists on the day of jury duty. As a result, more accurate and complete information is available during the jury selection process. A pilot program has been established to notify juries who have failed to appear more than three times for service. In its initial stage, the program has resulted in 40% of those who were notified being given new jury duty dates. The court has also been able to delete from its list, jurors who are not eligible. These improvements are in addition to those that occurred during the past few years, including suggestion boxes; a jury newsletter; and the establishment of a jury quiet room. Plans are underway to expand the jury waiting room next year.

ACCESSIBILITY PROJECT

In the next few months, the project to make the Clarence M. Mitchell, Jr. Courthouse and Courthouse East accessible to disabled individuals will be completed. Major renovations include new entrances on Fayette Street at both Mitchell and Courthouse East with ramps. Individual courtrooms have been made accessible with extensive work to jury boxes and witness stands and assisted listening devices are being installed as well. When a project is completed, there will be new signage in both buildings and all public telephones have been lowered to make them accessible to people in wheelchairs. This work was long overdue, but when it is completed it will certainly be one more step in providing equal access to the law.



Acknowledgment

The Court wishes to acknowledge the significant contributions to this Annual Report by Administrative Assistants Kathleen Smith and Dana Amato