

COUNCIL MEETING MINUTES

September 17, 2008

IN ATTENDANCE: *Hon. Ruth Jakubowski, Chair; Richard Flax, Vice Chair; Mary Kramer, Assistant to the Secretary; Hon. Sally Chester; Master Andrea Kelly; Hon. Michael Mason; Hon. Robert C. Nalley; John Nunn, Esquire; Frank Olmstead, Esquire; David Palmer, Esquire; Christine Pham, Esquire; Rosalyn Pugh, Esquire; Hon. Eileen Sweeney; and Carolyn Thayler, Esquire.*

The meeting was called to order.

Judge Ruth Jakubowski welcomed the new members to the Council, Hon. Michael Mason, a judge from the Circuit Court for Montgomery County, Master Andrea Kelly, a special master from the Circuit Court for Baltimore City, and Carolyn Thayler, Esquire, an attorney in private practice in Baltimore County. After discussion, it was determined that Judge Mason had the longest drive to the meeting of all in attendance, due in part to circling the block numerous times looking for the entrance to the parking lot.

The minutes from the **May 22, 2008** meeting were unanimously approved.

Master Kramer gave a summary of the history, and an update on the Masters Project. Plans are moving forward with the Administrative Office of the Courts' plans on implementing the recommendations made by the Judicial Administration Section Council for continuing education of masters. It is hoped that the first educational program, which will be optional for masters, will be held next Spring, with a mandatory program in the Fall of 2009. As of the date of the meeting, no one in attendance was aware of any decision with regard to changing the name of the title "Master."

Judge Julia Weatherly's Self Representation Project was discussed, although Judge Weatherly was not able to be present. She had sent information to Judge Ruth Jakubowski, including an outline of the project, and the offer of pizza at the first meeting of the sub-committee. In order to properly initiate our new members, each was given a task of the Self Representation Project. Master Andrea Kelly and Carolyn Thayler both enthusiastically volunteered to serve on the subcommittee, as did Rosalyn Pugh. Each felt they had a unique contribution to make based on their individual experiences working with self-represented

litigants. A general brainstorming session ensued, with discussion of foreclosure cases. Master Kelly informed the Council that Baltimore City had hired a new master and 5 other staffers to deal with the increased number of foreclosures. In addition, there were discussions of concerns regarding our subcommittee not overlapping Judge Raker's committee and the Access to Justice project.

It was noted that in Baltimore and Prince George's Counties, the Court is offering self-help education classes for self-represented litigants (SLRs). There was also a discussion about varying practices in different jurisdictions as to who is expected to write orders. It was noted that in Baltimore City and Howard County, the masters prepare the orders. In some counties that does not happen, and SLRs can end up with no order, or an order that is not complete or accurate.

It was agreed by the Council that there was a need to interface with the judiciary's efforts. Judge Mason volunteered to be Judge Jakubowski's co-liaison to Judge Irma Raker to make sure that our efforts do not overlap hers.

The Council concluded that our direction in the Self-representation Project would be to work toward guidelines for attorneys to follow in family law cases where they are opposed by an SLR. Ultimately the issue was tabled until next month to get an idea of the focus of Judge Raker's committee before going forward.

The next item on the agenda was Rosalyn Pugh's discussion of guidelines for court clerks and courthouse staff for dealing with self represented litigants. Ms. Pugh discussed the lack of communication between the Clerk's Offices and the Family Law Divisions as creating a problem. Some litigants are getting different answers to their questions depending on whom they ask. There is also an issue on papers filed by SLRs. Often the SLR will file an answer with no certificate of service. Clerks are required to accept these papers, but it creates a problem when the other side has no idea such a paper has been filed.

Frank Olmstead reported that no legislation has been filed since the last meeting.

Richard Flax reported that changes to the Maryland Rules of Procedure are now contained in Amicus Curiarum, which is available online on the courts' website. Richard Flax will be bringing rule changes to the attention of the committee as they are published.

Under new business, Judge Mason reported that he had asked the Rules Committee to adopt guidelines for judges on setting attorneys fees.

The Council agreed that this is an issue they are very interested in, and asked Judge Mason to report to the Council when there is an update the progress of his request. Master Kramer brought up a suggestion that the council name be changed to Bench/Bar, since that is widely understood, and since that change might increase interest in joining the section. The Council further considered a letter from an attorney asking to join the section council, or to be able to attend our meetings. It was agreed that the Council is not at this time accepting applications for Council membership, and that our meetings are not open to the general membership, except for the annual meeting in Ocean City. Chair Jakubowski will write a letter in reply.

Chair Jakubowski announced that last year's JAS program, Are You Smarter Than a Law Student, was so popular and well-received that it is being replicated by MICPEL, a law club, and local bar associations. The Council may look into redoing the program regionally.

In adjournment, Chair Jakubowski led a discussion about future meetings, along with concerns of budget restraints limiting our dining options. Next month's meeting will be a Paul's Restaurant in Annapolis.

Respectfully submitted,

Mary M. Kramer, Master
Assistant to the secretary