

MSBA



## Judicial Administration Section

### COUNCIL MEETING MINUTES

**October 15, 2009**

**IN ATTENDANCE:** *Hon. Ruth Jakubowski, Chair; Richard L. Flax, Esquire, Vice Chair; David C. Chiu, Esquire, Secretary; Master Mary M. Kramer, Assistant to the Secretary; Hon. Lynne A. Battaglia, Immediate Past Chair; Hon. Sally C. Chester; Hon. Robert W. Heffron; Master Andrea F. Kelly; Hon. Marybeth McCormick; Hon. Robert C. Nally; Franklin B. Olmsted, Esquire; David L. Palmer, Esquire; T. Christine Pham, Esquire; and Hon. Eileen C. Sweeney*

The meeting was called to order after the majority of the above had made it through evening rush hour rain to our Annapolis dinner destination.

Newest member, the Honorable Marybeth McCormick, was reintroduced to the Council and those present introduced themselves and welcomed her to the Council.

The minutes from the **September 16, 2009**, meeting were approved.

There was nothing new to report regarding the Rules Committee other than the Telephone Testimony Rule is being referred to a special 21<sup>st</sup> century telecommunications sub-committee specializing in electronic video conferencing issues. *The Chair has discussed our Telephone Testimony rule with Judge Wilner who has requested that the Rule be reviewed and revised by the Special Subcommittee on Remote Access, with a goal of implementation on an interim basis pending completion of the remainder of the Subcommittee's work.*

No new legislation will need review until January of 2010.

The Self Representation Project has been moving, literally, across the State into the town hall meeting phase. At the end of the year, the Judicial Administration Council and co-sponsor Family Law Section hope to put all the information obtained into a written guide of practical suggestions for attorneys in Self Represented Litigant (SRL) cases.

The original Masters' Project survey revealed huge discrepancies between counties in how masters were used and trained. Following an extremely

successful inaugural year of the resulting *voluntary* Masters' education seminar, in 2010, masters' education will now become *mandatory* (similar to the annual Judicial Conference for judges). As was done in its first year, the mandatory master's education will be offered twice to allow jurisdictions to divide their masters between the two presentation dates.

As part of investigating whether the JAC should initiate a new Mentoring Project, the Delaware Internship Program was examined for comparison purposes. There, Delaware bar applicants are required to clerk for a mentor, or "preceptor," full time for 5 months with a 29 item participation check list that must be certified by the preceptor before an applicant is approved (by their preceptor!) to even take the Delaware bar exam.

There have been previous mentoring programs attempted in Maryland. The bar associations have historically always provided more than enough mentors but there were never enough new applicant/"mentees." It was suggested that bar associations might work with law schools to match mentors with mentees. It was also pointed out that in states that do have mentoring programs, they were mandated by the judiciary, not through legislation.

With the growing number of brand new bar admittees *practicing* law as solo practitioners, there is a growing concern on how to improve the quality of legal services provided by new attorneys, from mentoring to law schools having MICPEL materials available for check out at their libraries to mandatory Continuing Legal Education (CLE).

Maryland is one of only four states that do not mandate CLE. The CLE subcommittee of the Professionalism committee (chaired by our very own Immediate Past Chair Judge Battaglia) is drafting several proposals to submit for consideration **to the judiciary**. Although CLE issues would seem to be the perfect topic for Judicial Administration Council recommendations, it was decided it would be better to wait for the subcommittee proposals and to offer the Council's recommendations then.

Using the highly successful formula of past shows, the 2010 June MSBA Annual Meeting Program will again be hosted by Immediate Past Chair (and emcee *extraordinaire*) Battaglia and ask bar attendees the eternal question, *Are You Smarter than A Law Clerk?* This year's vignettes will feature professionalism issues prepared by the Professionalism Section, and the program will again be co-sponsored by the JAC.

The next meeting will be in February 2010 in light of all the seasonal holidays in November, December and the New Year.

With the cutting of a surprise birthday cake from Judge Nalley to our Chair and a belated rendition of *Happy Birthday to You*, the meeting was adjourned.

Respectfully submitted,

**DAVID C. CHIU, Esquire**  
*Secretary, JAS Council*