

MSBA



Judicial Administration Section

COUNCIL MEETING MINUTES

March 10, 2010

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; Master Andrea F. Kelly; Hon. Marybeth McCormick; Hon. Robert C. Nally; Honorable John E. Nunn, III; Franklin B. Olmsted, Esquire; David L. Palmer, Esquire; T. Christine Pham, Esquire; Rosalyn E. Pugh, Esquire; Hon. Eileen C. Sweeney; Carolyn H. Thaler, Esquire; and Hon. Julia B. Weatherly*

The meeting was called to order.

The minutes from our last pre-record setting snow storms, **October 15, 2009**, meeting were approved.

Judge Alpert's Telephone Testimony bill, first proposed under the tenure of the previous, *previous* Chair, after being *accelerated* with the assistance of Judge Wilner, was finally approved and is now law (effective July 1, 2010)! Vice Chair Flax also gave a brief summary of all the legislation that was enacted with our bill, highlighted by the law that forbids judges from marrying themselves [*consistent with the frowned upon practice of judges referring to themselves in the third person—DCC*] and the new Maryland Code of Judicial Conduct.

The Legislation sub-committee was thanked for their efforts in getting bills reviewed and attorney votes tabulated all on-line when our first 2010 meeting was cancelled by the historic snow falls of February.

Committee head Olmstead then gave his usual stellar summary of new legislation requiring Council examination, and, after discussion, the attorney members of the Council voted as follows:

- **SUPPORT**
 1. SB 535
 2. SB 684
 3. SB 833
 4. HB 630
 5. HB 698

- 6.
7. HB 698
8. HB 1023
9. HB 1385 (= SB 833)
- **OPPOSE**
 1. SB 901
 2. HB 472
 3. HB 589
 4. HB 1292
 5. HB 1316
 6. HB 1368
- **NO POSITION**
 1. SB 561
 2. SB 811
 3. SB 874
 4. SB 902
 5. HB 483
 6. HB 609 (= SB 365, last month's blizzard vote = No Position)
 7. HB 635
 8. HB 639
 9. HB 1046
 10. HB 1156
 11. HB 1320
 12. HB 1452
 13. HJR 4

Judge Weatherly updated us on the joint Family Law Section/JAC Self Representation Project. Well attended "town hall" meetings were completed throughout the state last fall, with many attorneys complaining about the bench taking too active a role in assisting SRLs. This winter's blizzards straight out of the apocalyptic weather movie *The Day After* put a delay in the original project time table. The hope is now to compile all the data into a written report for review by the May meeting. The JAC can then decide how best to disseminate the information, whether to simply publish the report on our website, create judicial guidelines or modify it as an attorneys best practice manual or some other hybrid which might be ready to be presented at the summer MSBA Annual Meeting?

This was a natural segue to the Chair's report on the CLE Project since unfortunately the bench members were observing more attorneys appearing before them who were no better prepared than SRLs. Because immediate Past Chair Bataglia is finalizing her Commission's recommendations on mandatory CLE in Maryland, it was decided that it would be best to wait for those recommendations to be reviewed and released by the Rules Committee before the JAC offered its input. This could also be one of the first projects of the next term's new slate of JAC officers.

This then became a natural segue to Christine Pham's report on a New Lawyer's Guide. The original proposal to put together a bibliography of

resources for new attorneys to reference was determined to be impractical for today's world of internet instance access to information. Getting permission from pre-existing web how-to summaries to publish them in a reference was considered, however this may already exist with the Maryland State Bar taking over the role vacated by MICPEL's departure. Andrea Terry, one of the former MICPEL program directors invited to join the MSB CLE section to assist in their takeover, will be asked to attend one of our future meetings to share her perspectives. Yes, this too could be another project for next Fall's new officers.

This was a natural segue to Carolyn Thaler following up with her report on the Mentoring Project. There are 1,500 new admittees into the bar every year. The problem is not any lack of mentors provided by the various bar associations but the difficulty in getting new attorneys to request guidance and then matching the needs of the attorney with the appropriate mentor.

Law schools have been simply referring new admittees to still existing MICPEL tapes in their libraries. The frustration is the number of attorneys that fail to simply read basic controlling statutes on legal issues and procedures in today's TV-computer-technological world of instant information.

It seems that CLE, the Mentoring Project and the New Lawyer's Guide are all so interwoven that they could all be combined into a natural follow-up project to this term's SRL Project for next Fall's officers.

Master Kramer gave an update on the Master's Project. The courts' Department of Family Administration will be sponsoring two presentations of the very popular and well received masters' education program again in the upcoming year at the Judicial Education and Conference Center with additional speakers and funding.

The JAC again will be co-sponsoring the offspring of a prior JAC project introduced several years ago at the annual summer meeting-- Immediate Past Chair Battaglia's extremely popular, entertaining and educational *Who's Smarter Than A Law Clerk?*

Because none of the current projects is anticipated to be concluded in the next month, April's meeting was cancelled. Continuing last year's wonderful tradition, the final meeting of the year will be at Carolyn Thaler's beautiful home on Wednesday, May 19, 2010.

Thanks was given to David Palmer for allowing the JAC to use his Baltimore office's conference room for our meeting. And with that the meeting (and the last of *Velleggia's* incredible tiramisu) was adjourned.

Respectfully submitted,

DAVID C. CHIU, Esquire
Secretary, JAS Council