

MSBA



## Judicial Administration Section NEWSLETTER

Lynne A. Battaglia, Chair (Ruth Jakubowski Chair-Elect)  
VOLUME 5, NO. 1

David C. Chiu, Editor, Secretary  
SUMMER 2008

# Are You Smarter Than A Law Student?!

## The *Fun* Guide to Maryland Civil Procedure Issues and Solutions

By Richard L. Flax and David C. Chiu

On **Thursday, June 12, 2008, from 11:30am to 1:30 pm** (Session II, yes there will be food!) the Judicial Administration Council is co-sponsoring the educational program, ***Are You Smarter Than A Law Student? Civil Procedure Problems and Solutions***, at the Maryland State Bar Association 2008 Annual Meeting in Ocean City, Maryland. This promises to be an entertaining review and application of the Maryland Rules of Civil Procedure in a game show format where input from the bench and the bar [*the lawyer kind!-Ed.*] will lend towards a convivial setting for reminding us what we already know, used to know, or should know.

The Honorable Lynne A. Battaglia, esteemed Chairperson of the Judicial Administration Council, was pivotal in formulating this program after a growing chorus of concerns that perhaps the Maryland Rules are growing too dusty in our minds, computers, or bookshelves. The Judicial Administration Council recognized that some of our more youth-impaired members (i.e. old) may actually have attended a requisite semester of *Maryland Civil Procedure* in law school before the powers that be chose to remove that seemingly essential course from statewide law school curricula. The time is upon us to get the word out again that the Maryland Rules are "precise rubrics which must be followed."

Parodying the Thursday night prime time television hit [*Our program is on Thursday afternoon!-Ed.*], Lynne "Jeff Foxworthy" Battaglia will MC the judicial version at our summer conference that asks whether you think you are smarter than her law clerks! Using a series of Maryland civil procedure issues gleaned from a statewide survey of Maryland's circuit court benches, the audience will be able to participate just like the game show by using responders to vote whose answer they agree with-- the law student or the attorney contestant! And yes, there will be fabulous prizes. [*Remember, fabulous is relative!-Ed.*] This promises to be an extremely entertaining program and, best of all, if you don't watch out, you might actually learn something!

Speaking of rules [*Nice segue!-Ed.*], the Judicial Administration Council has expanded its Legislation subcommittee to Legislation AND RULES to assist in keeping everyone updated in this area, and to potentially provide input within the overall Rules process. As a result of our newly expanded subcommittee's efforts, the Council will now receive Rules Committee meeting agenda (see also [www.mdcourts.gov/rules](http://www.mdcourts.gov/rules)), and upon Rules Orders being approved and signed by the Court the actual Rules Order, along with a notice informing the reader where to find the changes to the rules, will also now appear on the Maryland Judiciary website (within *Amicus Curiarum*, a publication of the Office of the State Reporter, see [www.courts.state.md.us/publications.html](http://www.courts.state.md.us/publications.html)).

We'll see you in Ocean City at our conference program, **Thursday at 11:30am** for the three F's--  
food, fun, and... finding out stuff!

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### The Masters Project

By Mary M. Kramer

The Judicial Administration Council's Masters Survey of the 2006/2007 year has led to the creation of a continuing education program for Masters throughout the state of Maryland.

After communicating with the MSBA and the Judicial Institute, the Judiciary determined that the Department of Family Administration, part of the Administrative Office of the Courts, will coordinate and administer the educational program for masters.

Two current Council members, Terri Beck and Mary Kramer, are participating in the Masters Advisory Committee, which will work on bringing the idea to fruition, through developing the structure and subject matter for the educational programs.

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### 2008-2010 JUDICIAL ADMINISTRATION COUNCIL SET FOR NEXT TERM

By David C. Chiu

The Judicial Administration Council recommendations

for the next 2-year term, expiring June 2010, were approved.

The Council will be chaired by the Honorable **Ruth Jakubowski** (Circuit Court, Baltimore County), assisted by Vice Chair, **Richard Flax**, Esquire (Baltimore County), returning Secretary **David C. Chiu**, Esquire (Assistant State's Attorney, Baltimore City), Assistant to the Secretary, Master **Mary M. Kramer** (Circuit Court, Howard County), and Immediate Past Chair, the Honorable **Lynne A. Battaglia** (Court of Appeals).

They will provide the leadership for the next term's Judicial Administration Council, which was also approved. They include returning Council members: the Honorable **Paul E. Alpert** (Circuit Court, Baltimore City and Court of Special Appeals, retired); the Honorable **Sally C. Chester** (District Court, Baltimore County); the Honorable **Robert W. Heffron** (District Court, Prince George's County); the Honorable **Robert C. Nalley** (Circuit Court, Charles County); **John E. Nunn, III**, Esquire (Assistant Public Defender, Kent County); **Franklin B. Olmstead**, Esquire (Charles

County); **David L. Palmer**, Esquire (Baltimore City); **T. Christine Pham**, Esquire (Baltimore City); **Rosalyn E. Pugh**, Esquire (retired Circuit Court Clerk, Prince George's County); the Honorable **Eileen C. Sweeney** (Administrative Law Judge); and the Honorable **Julia B. Weatherly** (Circuit Court, Prince George's County).

The Judicial Administration Council extends its warmest welcome to newest Council members Master **Andrea F. Kelly** (Circuit Court, Family Division, Baltimore City); The Honorable **Michael D. Mason** (Circuit Court, Montgomery County); and **Carolyn H. Thaler**, Esquire (Baltimore County).

The Judicial Administration Council also sends its best wishes to outgoing Council members: Master **Catherine Teresa Beck** (Circuit Court, Baltimore County); Immediate Past Chair **John A. Bourgeois** (Baltimore City), the Honorable **Marcella A. Holland** (Circuit Court, Baltimore City), the Honorable **Diane O. Leasure** (Circuit Court, Howard County); and the Honorable **Gale E. Rasin** (Circuit Court, Baltimore City). The Council extends

its sincerest gratitude for their work and the sharing of their time and resources.

Their participation and contributions will be missed!

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### Judge Lynne Battaglia to be honored by the Women's Bar Association

By Mary M. Kramer

Our own fearless leader Judge Lynn Battaglia will receive the *Rita Davidson Award*, the highest honor awarded by the Women's Bar Association, in October 2008.

The *Rita Davidson Award* recognizes a person who, through education, litigation or legislative efforts, has advanced the interests of women.

The WBA noted Judge Battaglia's extensive

professional accomplishments, as well as her *Finding Justice* project, a history of women in legal practice in Maryland.

The Judicial Administration Council is in awe of Judge Battaglia's endless energy, and her many contributions to the legal community, and we congratulate her on this well-deserved honor.

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### Judge Diane Leasure to be honored by MSBA

By Mary M. Kramer

Recent Judicial Administration Council Member Judge Leasure will receive the *Anselm Sodaro*

*Award* at the annual meeting of the MSBA in June.

This award is given annually to recognize a member of the judiciary for civility and professionalism on the bench.

Everyone on the JAC as well as anyone who has appeared before her knows how well deserving Judge Leasure is of this award!

The Judicial Administration Council joins the MSBA in recognizing Judge Leasure for exemplifying the traits of civility and professionalism that everyone on the bench strives to achieve!

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## JUDICIAL ADMINISTRATION COUNCIL: 2006-2008 TERM ACHIEVEMENTS

By David C. Chiu

The Judicial Administration Section Council under the leadership of outgoing Chair, the Honorable Lynne Battaglia, completed an extremely productive and successful two year term filled with projects and achieving goals bearing upon the administration of justice.

At the June 2007 summer conference there was an SRO *appellate panel program* on impact decisions entitled *Pleading Causes of Action In Maryland and Beyond: The Latest Updates, Judicial Perspectives and Practitioner Insights*, hosted by Chair Battaglia, where attendees also received a bonus CD of selected Maryland appellate decisions!

The JAC also distributed a laminated judicial *Professionalism Self-Assessment Tool* at last year's conference to

help jurists (re)focus on all the judicial qualities-- timeliness, scholarship, demeanor, diligence, integrity, and the treatment of colleagues --and standards of excellence that every member of every bench should strive to exemplify.

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In 2007, the Council also collected and collated data received from Maryland's Circuit Court judges responding to **voir dire surveys** to assist both courts and practitioners by advising attorneys what different jurists in different jurisdictions expect during their jury selection process. The survey results are published online at:

[http://www.msba.org/sec\\_comm/sections/judadmin/voirdire/default.asp](http://www.msba.org/sec_comm/sections/judadmin/voirdire/default.asp)

One of this past year's projects also included preparing a proposed Maryland **Telephone Testimony Rule**, which was accepted and approved by the MSBA Trial Subcommittee of the Rules Committee and sent to the larger body for consideration.

The JAC, as always, also evaluated legislative bills and submitted recommendations to the MSBA supporting, opposing or abstaining from a position, this term, making recommendations in over 53 bills. As detailed elsewhere in this issue, our legislation subcommittee was expanded to **Legislation and Rules** subcommittee given the greater impact rules updates should have on judicial administration year round.

A two-year **Masters Survey Project** helped to determine and define the many roles masters play in Maryland courts and achieved its goal of implementing statewide annual training and continuing education for masters.

Also in 2008, the Council proposed a project—"Raising the Bar"—to educate practitioners on Maryland rules of civil procedure as a result of Maryland Civil Procedure no longer being on the Maryland bar exam combined with Maryland being one of only seven states that does not require mandatory continuing legal education. Towards that end, this JAC term will again end on a high note at this year's summer convention when Chair Lynne Battaglia will MC our **Are You Smarter than A Law Student?** game show parody on **Thursday, June 12<sup>th</sup>** during the **11:30am** lunch time slot that will test everyone's knowledge of Maryland civil procedure. There will be food, handouts, prizes as well as MICPEL books for sale at this always SRO program!

Finally in 2008, looking to the future, the JAC joined forces with the Family Law Section to begin a joint project aimed at creating guidelines for attorneys and judges in how to deal with **self-representing litigants** in child custody cases. A related project will also attempt to create guidelines for courthouse and clerk's office staff on how to assist self-represented parties who are seeking legal assistance and advice.

These are just some of the highlights of this term's many accomplishments. Outgoing Chair Lynne Battaglia summarized it best when she said, *"I have enjoyed being the Chair of the Judicial Administration Council and have been honored to work with so many other hardworking and conscientious judges and attorneys, in an effort to identify issues confronting the judicial system in Maryland and discuss recommendations for potential solutions. Their accomplishments during the last two years have been many, to continue under the leadership of Judge Jakubowski."*