

MSBA



Judicial Administration Section Newsletter

John A. Bourgeois, Chairman/Lynne A. Battaglia (Chair-Elect)

David C. Chiu, Editor (Secretary Elect)

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ALTERNATIVE DISPUTE RESOLUTION FORUMS

“An offer you can’t refuse!”

In 2004, the Judicial Administration Section Council's *Discover Maryland* discovery dispute fora received the Presidential Best Section Project for the Members Award at the annual MSBA meeting in Ocean City.

Following that honor, the Council elected to continue that successful format with another series of fora focusing on how to obtain *An Offer You Can't Refuse* in alternative dispute resolutions.

Project Director, the Honorable Ruth Ann Jakubowski, and members of the Council put forth an Olympian effort to collect data from all of the counties and collate the information into a form readily available to practitioners.

Judge Jakubowski also scheduled numerous public fora throughout the State of Maryland to discuss ADR efforts.

The first took place in **Baltimore County** last October 2005. Judge Jakubowski moderated a panel that included judges, masters and administrators, with nearly 100 attendees learning tips on how to successfully settle cases in Baltimore County.

The Honorable Joseph Manck organized the next forum in **Anne Arundel County** in November 2005. That panel included members from Anne Arundel, **Queen Anne's** and **Kent Counties**. Over 50 attendees watched illustrative skits performed by the panel members, followed by an informative Q&A session.

In March 2006, the Honorable Anne Sundt moderated the next forum in **Montgomery County** that included the use of ADR in both Montgomery and **Prince George's Counties**.

The Honorable Kathleen L. Beckstead moderated the next forum in April of this year in **Worcester County**. This forum brought practitioners from

Worcester and **Wicomico Counties** as well as Maryland's **lower Eastern Shore** to learn how ADRs are used in their jurisdictions.

Finally, the Honorable Diane Leasure assures us that her **Howard County forum** that was to include **Maryland's western counties** that originally had been scheduled to take place in January 2006 will still take place this fall.

The Section presented the results of these fora and ADR information collected from its statewide surveys at its final program at the MSBA annual conference in Ocean City.

Moderated by ADR Project Director Judge Jakubowski, with the able assistance of the Honorable Lynne Battaglia, the final panel included Master Leah Seaton from Wicomico County, Master Mary Kramer of Howard County, Tim Sheridan, civil law administrator from Anne Arundel County, and JAS Council Chairman John Bourgeois.

The Convention program included a review of ADR programs from courts throughout the state, accompanied by sample scenarios that were used to facilitate lively discussion on how to successfully resolve cases prior to trial.

An outstanding product of all these efforts is a comprehensive twenty page *Guide To Alternative Dispute Resolution In Maryland's Circuit Courts*.

The *Guide* is the result of Project Director Jakubowski's exhaustive efforts in tabulating and transforming the responses to statewide questionnaires into a readable, easily accessible format.

A Guide To Alternative Dispute Resolution In Maryland's Circuit Courts is now available for members on the MSBA's JAS website!

2007-2008 JUDICIAL ADMINISTRATION COUNCIL SET FOR NEXT TERM

The Judicial Administration Council Nominating Committee recommendations for the next 2-year term, expiring June 2008, were approved.

The Council will be chaired by the Honorable **Lynne A. Battaglia** (Court of Appeals), assisted by Vice Chair, the Honorable **Ruth Jakubowski** (Circuit Court, Baltimore County), Secretary **David C. Chiu**, Esquire (Assistant State's Attorney, Baltimore City), and Immediate Past Chair **John A. Bourgeois**, Esquire (Baltimore City).

They will provide 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); Master **Catherine Teresa Beck** (Circuit Court, Baltimore County); the Honorable **Sally C. Chester** (District Court, Baltimore County); **Richard L. Flax**, Esquire (Baltimore City); the Honorable **Marcella A. Holland** (Circuit Court, Baltimore City); the Honorable **Diane O. Leasure** (Circuit Court, Howard County); the Honorable **Robert C. Nalley** (Circuit Court, Charles County); **Franklin B. Olmstead**, Esquire (Charles County); **David L. Palmer**, Esquire (Baltimore City); the Honorable **Gale E. Rasin** (Circuit Court, Baltimore City); and the Honorable **Eileen C. Sweeney** (Administrative Law Judge).

The Judicial Administration Council extends its warmest welcome to the newest Council members: Master **Mary M. Kramer** (Circuit Court, Howard County); **John E. Nunn, III**, Esquire (Assistant Public Defender, Kent County); **T. Christine Pham**, Esquire (Baltimore City); **Rosalyn E. Pugh**, Esquire (Circuit Court Clerk, Prince George's County); and the Honorable **Julia B. Weatherly** (Circuit Court, Prince George's County).

The Judicial Administration Council also sends its best wishes to outgoing Council members the Honorable **Mary Ellen Barbera**, the Honorable **John M. Glynn**, **Scott P. Kurlander**, Esquire, Master **Gregory Sampson**, the Honorable **William B. Spellbring, Jr.**, and **Mayda Tsaknis**, Esquire. 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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NEW PROJECTS & SCHEDULE FOR NEXT YEAR

In its final meeting of the term, the Judicial Administration Council discussed possible projects to undertake next year.

Judicial professionalism has repeatedly been raised as an issue for the JAC to address. There is certainly a need to find a practical mechanism for judicial review and evaluation to ensure professionalism not only among attorneys but on the bench as well. Past attempts at judicial review have included alter-ego

programs (*but see the Ethics Opinion on Alter Egos on the MSBA website*) and bar association court watches with follow-up reports to the bench for its review.

Another shared observation is the great disparity of practice in the jury selection process. Not only is *voir dire* conducted differently from jurisdiction to jurisdiction but even within the same jurisdiction, significant differences occur from judge to judge. [*Is this another series of fora in the making?* --Ed.]

Another significant concern is the Constitutional limitations on the powers of judicial masters. Do judges defer more authority to Masters than Constitutionally permissible?

The Council also discussed possible political, economic and jurisdictional pros and cons if there was a unification of the circuit court system mirroring the statewide District Court structure.

Next year's Council meeting schedule has also tentatively been set to take place at the Court of Appeals Building, Annapolis, on the following dates: September 7, October 19 and November 9 in 2006 and in 2007, January 11, February 8, March 8, April 12 and May 3rd.

The meetings will be held at 6:00 p.m. in the Court of Appeals Judges' Conference Room on the 4th floor at 361 Rowe Boulevard, Annapolis, Maryland.

As always, any thoughts or suggestions from the Section are welcomed and encouraged! Please send them to Chair-Elect Battaglia at lynne.battaglia@courts.state.md.us.