

State of the Judiciary Address
Chief Judge Mary E. Barbera, Maryland Court of Appeals
Message to the Maryland General Assembly
February 11, 2015, in Annapolis, Maryland

Governor Hogan, President Miller, Speaker Busch, Senators, Delegates and distinguished guests, today marks the 21st occasion that a Chief Judge of Maryland has addressed this august body and the first since 2005. It is an honor to stand before you in what is my first State of the Judiciary address. I am pleased to see so many old friends here today. Equally exciting is the number of new faces.

At the outset, I wish to recognize my colleagues on the Court of Appeals. In descending seniority are Judge Glenn Harrell, Judge Lynne Battaglia, Judge Clayton Greene, Judge Sally Adkins, Judge Robert McDonald, and Judge Shirley Watts.

I am also pleased to introduce the other men and women in the Judiciary's leadership: Judge Peter Krauser, Chief Judge of the Court of Special Appeals, Judge John Debelius, Chair of the Conference of Circuit Court Judges, Judge John Morrissey, Chief Judge of the District Court, and State Court Administrator Pam Harris.

I am privileged to speak today not just for those present in this historic chamber but also for those who serve daily as the true lifeblood of our Judiciary – our three hundred trial and appellate judges and the more than four thousand women and men who staff our courthouses throughout the state.

How does one measure the “state” of the Judiciary? It must be by reference not only to the quality of the justice we dispense but also to the vigor with which we pursue the ideal of achieving justice, for all. That is our charge from those we serve, the people of Maryland. To paraphrase Supreme Court Justice Thurgood Marshall, providing mere access to the courthouse door is not enough. It is far more than that: it is what happens beyond the entrance, in the hallways, the clerk's offices, and the courtrooms.

Much has changed in our state in the ten years since the last Chief Judge addressed this body. Our population has grown by roughly ten percent, we are more culturally diverse, and we have become technologically savvy. At the same time, the income gap among the people of Maryland has widened.

The Judiciary's obligation, therefore, is to identify and respond to the many and varied needs of all those who access our courts. We cannot afford to rely on old systems and approaches. We must be prepared for today, and we must be prepared for tomorrow.

President Abraham Lincoln said that progress is only possible with a willingness to “think anew and to act anew.” Your Judiciary is doing just that. Today I will update you on the progress we have made and will be making beyond the courthouse doors. Whether that is holding ourselves accountable for timely decisions, adapting to the new world of technology, thinking outside the box to increase the public's access to justice, or addressing the needs of the most vulnerable among us, we are and will be thinking anew.

The Maryland Constitution confers upon me an array of responsibilities as Chief Judge of the Court of Appeals and the administrative head of the judicial branch. I have not only the opportunity to engage in the legal matters before Maryland's state supreme court, but also to consider what advances we might make to improve the delivery of justice. My duties have positioned me to lead the Judiciary into a new era.

Marylanders want and deserve a court system they can trust: one that treats them fairly and with respect in their dealings with the courts.

Studies show, and by now it is well understood, that people will accept judicial outcomes, even if adverse to their side of the case, if they believe they have been treated fairly and with respect. Put simply, process counts.

Therefore, we are taking steps to ensure, as best we can, that all who enter our courthouses are given the courtesy and respect to which they are entitled. We continually educate ourselves about best practices in all interactions with the public – customer service if you will. We are also on the lookout for ways to make our public spaces more accessible and easily negotiated.

Problem-Solving Innovations

Also essential to maintaining the public's trust and confidence in the courts is adaptability. Over time, as our society changes, so too does our approach to the cases before the courts. Not all case types are best handled in the traditional courtroom hearing or trial setting.

Programs such as problem-solving courts seek to redress — with an eye toward reducing recidivism — the root causes that lead some people to repeatedly violate the law. We have recognized that the way we handle these cases must conform to modern sensibilities.

It has paid off. During the past few decades, we have come to realize the savings — in dollars certainly, but more important, in lives saved — by utilizing a more targeted and holistic approach to addressing the particular causes and challenges faced by repeat offenders.

Drug courts provide just one example of a number of innovative approaches to addressing, more effectively, matters that come before the courts. According to the National Association of Drug Court Professionals, taxpayers save \$3.36 for every dollar invested in drug courts nationwide. The benefits do not end there. Parents who participate in drug courts are more than twice as likely to complete treatment as ones who do not. Their children spend less time in out-of-home placements and, perhaps most important, nationally, 75 percent of drug court participants remain arrest-free two years after graduation.

Allow me to share one graduate's story, that of a young man I shall call JD. Ten years ago, JD dealt drugs and he stole to feed his heroin addiction. Not surprisingly, JD bounced in and out of jail numerous times and was close to losing his life at the age of 29.

With judges, prosecutors, the public defender, probation officers, and social workers all coordinating efforts, JD worked his way through the program and dedicated himself to completing it.

JD is one of many great success stories. I am proud to announce that he is still sober, seven years later, and he is paying it forward. JD is gainfully employed, he is interning with the Frederick

County Drug Court program, and he is on course to graduate from Frederick County Community College later this year.

Our first drug court opened its doors in Baltimore City in 1994. We now have 36 operational drug courts statewide. We are realizing the benefits, by reducing costs associated with arrest, court, and imprisonment. More important, we are helping families remain intact and, in time, heal.

Our problem-solving courts go well beyond helping those addicted to drugs. We have expanded to add three mental health courts, two re-entry courts, a veteran's court pilot, and nine truancy reduction courts. Those programs have produced and, I have no doubt, will continue to produce individual success stories like JD's.

Maryland also has been in the forefront in the way our courts interact with the business and high-tech communities. We became one of a handful of states to create a "Business and Technology Case Management Program." The program provides timelier, more predictable, and reliable dispositions of cases. That, in turn, helps the business community make more informed decisions.

Timeliness, efficiency and reliability must be, however, an aspiration of all case types and, by those measures, a barometer of accountability for the Judiciary.

Many of you have heard the phrase, justice delayed is justice denied. With those words in mind, fifteen years ago the court system embarked upon a mission – a mission to establish and implement standards by which to gauge performance and garner the public's trust that their cases will be decided timely.

And, not long after I became chief judge, the Court of Appeals demonstrated its commitment to delivering its decisions in a timely fashion, without sacrificing the quality of decision-making. Last year the Court decided every case during the same term in which the case was heard, and the Court will continue that practice in this and future terms.

The Court of Appeals is not alone in the timely delivery of justice. Thanks to the efforts of many, there are now standards by which the entire court experience can be measured at every level of our courts – from the District Court to the Court of Appeals.

Maryland Electronic Courts

I cannot leave the subject of improving court operations without mentioning our new Maryland Electronic Courts System – MDEC. We are thinking anew.

Businesses and individuals alike are constantly using computers, smart phones, and the Internet to perform the most routine daily tasks. Our justice system, however, still operates through traditional, often cumbersome, paper-based processes. Our courthouses are quickly running out of storage space. We are, in effect, bursting at the seams with case files.

Equally troubling, the Judiciary operates eleven different computer systems across the state. In some cases, these systems are more than 25 years old, and supporting them is increasingly more difficult. That is why, the Judiciary, with critical support from the General Assembly, has made a great investment, with MDEC, to transform the way we conduct business.

You recognized, as we did, that Maryland must use technology, not simply to improve efficiencies, but for the betterment of those who we and our justice partners serve.

We are just a few months into what ultimately will be our statewide deployment of MDEC. I would like to pause here, to thank Anne Arundel County. The courts there have accepted the challenge to, shall I say, “boldly go where no court has gone before.” The Anne Arundel County courts are serving as our proving ground. There have been some kinks along the way, yet our judges and staff continue to answer the call with extraordinary patience, flexibility and resilience, as we advance in implementing MDEC. The rest of the courts throughout Maryland will be the beneficiaries of their good work. Thank you my friends from Anne Arundel County.

MDEC will improve efficiency to be sure; yet not simply for its own sake, but rather to deliver better and more cost-effective service to the many individuals and businesses who access our courts every day. I hope that during this session, and in the future, you will continue to help us realize our vision.

Access to Justice and Self-Help Centers

Modern technology can especially benefit those who need it most, the people who seek redress in our courts but cannot afford a lawyer. We are all proud Marylanders and we are fortunate to live in a wonderfully diverse state. The rich diversity of our population enhances our communities, and, likewise, presents some unique challenges. With so many of us living very different lives, under very different sets of circumstances, we must think in a new way about how we support our varied population as efficiently and effectively as possible.

This is especially true at a time when more people are coming to court without a lawyer.

To ease some of the common burdens they face, we created the Access to Justice Department within the Judiciary.

This new department will break down barriers that inhibit full access to the courts. Those barriers may relate to physical challenges, cultural differences, or the lack of affordable legal representation. We have developed tools for the public to overcome those obstacles. This involves everything from self-help videos, to brochures, the translation of forms, or increasing the number of readily available interpreters.

In addition, we are fortunate to have the resources of the District Court Self-Help Center in Glen Burnie, as well as 24 Family Law self-help centers around the state. These centers are places where anyone can go to access not only walk-in assistance, but phone and live web chat services.

In 2014 alone, the District Court Self-Help Center in Glen Burnie served 23,000 people, of which more than 18,000 were assisted remotely from across the state. Meanwhile our Family Law Centers assisted more than 49,000 people statewide.

Numbers like these demonstrate why we must provide tools to members of the public who cannot afford a lawyer. But we need to do more. Estimates show that, in Maryland alone, only about 22 percent of civil legal needs are being met. In an effort to meet those needs, the Judiciary is seeking ways to expand the scope and services of the 24 Family Law self-help centers at the Circuit Court level, and add regional District Court centers. I am proud to announce that on February 23rd we are holding an event to celebrate the opening of a new District Court Self-Help Resource Center in Prince George’s County. I hope you will join us there.

Improving Justice for Our Most Vulnerable Populations

These new initiatives are exciting and certainly meet the Justice Marshall test of going beyond the courthouse door. However, I recognize that building on the public's trust and confidence in our legal system is more than just expanding and improving access to our courts.

In the coming years, I intend to focus particular attention on the most vulnerable among us: our children and our seniors. Young children are vulnerable, of course, simply because they cannot fend for themselves. Many of the oldest among us are rendered vulnerable by physical or mental infirmities that lead them, directly or indirectly, into our courts.

Before becoming a lawyer, I taught young children in the Baltimore City Public Schools. In working with those children and their families, I witnessed the challenges confronting some of them. As a lawyer and now, a judge, I see many of the same — and worse — challenges that undermine far too many of our children's potential to lead healthy and productive lives.

Every day, in Maryland, young children — some no more than a few days old — enter the court system. As the result of abuse or neglect at the hands of an adult, these children may well have to spend time, often years, in a foster care placement. In later years, those same children are at a higher risk of truancy, drug or alcohol addiction, and mental health issues.

Juvenile delinquency and adult criminal behavior are more likely to follow for these children than for others more fortunate. Consider the possible effects: the terrible costs to the children themselves, to the community that loses the participation of a law-abiding and productive adult, to the system that must process and house some of them in secure juvenile facilities, and ultimately, for far too many of them, prisons.

We simply cannot afford to ignore the damage done to these young people, and by extension, to all of us. Action must be taken and with your help, I know it can and will be done. I am pleased to announce that in May, in conjunction with the National Center for State Courts, I will be hosting the Mid-Atlantic Conference on Juvenile Justice Reform for Chief Justices and their staff. This conference is part of the MacArthur Foundation's Models for Change initiative, which was launched nationally to stimulate a new wave of comprehensive juvenile justice reform.

I expect that this event will help us to improve our understanding of the science associated with adolescent development, to better rehabilitate juveniles, and to reduce recidivism in this population. Reform is only possible if we work together. I look forward to those possibilities working with the Legislature, Governor Hogan, President Miller, Speaker Busch and you.

Helping Our Aging Marylanders

At the other end of the generational spectrum is the increase the courts will see in elderly litigants. Millions of people in Maryland are on the verge of entering their golden years and we must be cognizant of challenges this presents. It is projected that, in the near future, there will be a four-fold increase in the number of people who are eighty years old or older.

Sadly, what is sure to rise is the number of incidents where our vulnerable adults fall victim to financial or even physical abuse, sometimes at the hand of a caregiver or even a family member. Consider, too, that this population is reluctant to access the courts for a variety of reasons, including family loyalty, fear, or the shame associated with the transition from independence to dependence. I look forward to the progress we can make together. I know that you believe, as I

do, that we each have the responsibility to work shoulder to shoulder in service of every Marylander.

Conclusion

This year we celebrate the 800th anniversary of the Magna Carta. The rights declared in that document became part of our Constitution and Bill of Rights. So it is that our country is founded on the rule of law. It forms the basis of much of what each of us in this chamber is sworn to do. Our legislative branch of government enacts the law, our executive branch enforces the law and our judicial branch interprets the law.

As we devote ourselves to our work each day and approach challenges from our unique vantage points, allow me to make a humble proposal: that we remain ever cognizant of the panoramic view. A great judge once said of the myopic man or woman: “such a person would be like the man who thinks he is just pushing a wheelbarrow, when in fact, he is building a cathedral.” The great cathedrals have endured for hundreds of years and will last for hundreds more. Little did each worker know that the true measure of his contribution would be looked upon for centuries later, not as a single act, but as the product of a collective effort. As each of us pushes along his or her own wheelbarrow, we cannot forget that, together, we are building something greater. We are working in concert to build a cathedral. A great cathedral.

My colleagues and I within the Judiciary will continue to push our wheelbarrow as I know you will push yours. Along the way, I hope that we pause and take a moment to build on our commonalities and complement each other, even where and when we differ. That is how enduring works are built.

The Judiciary is doing well and it is making strides in becoming smarter, more efficient and increasingly accessible to the public. The future presents challenges and opportunities alike, and the time is ripe for reasoned and thoughtful reforms.

I look forward to working with all of you on behalf of the people of Maryland. Thank you for your time and attention. I wish you a most productive session.