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Conference of Circuit Court Clerks

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MINUTES

A meeting of the Conference of Circuit Court Clerks was held March 15, 2016, at the Judiciary Education and Conference Center in Annapolis, Maryland

Members Present

Hon. Wayne A. Robey, Chair
Circuit Court for Howard County

Hon. Susan Braniecki, Vice-Chair, Clerk of Court, Worcester County
Hon. Lavinia Alexander, Clerk of Court, Baltimore City
Hon. Mark Bowen, Clerk of Court, Wicomico County
Hon. Amy Craig, Clerk of Court, Dorchester County
Hon. Robert Duckworth, Clerk of Court, Circuit Court for Anne Arundel County
Hon. Julie Ensor, Clerk of Court, Baltimore County
Hon. Sharon Hancock, Clerk of Court, Charles County
Pamela Harris, State Court Administrator
Hon. Charles Horner, Clerk of Court, Somerset County
Hon. Dawne Lindsey, Clerk of Court, Circuit Court for Allegany County
Judy Lohman, District Administrative Clerk, Montgomery County
Hon. Scott MacGlashan, Clerk of Court, Queen Anne's County
Hon. Barbara Meiklejohn, Clerk of Court, Montgomery County
Hon. Timothy Miller, Clerk of Court, Garrett County
Hon. Mark Mumford, Clerk of Court, Kent County
Hon. Charlene Notarcola, Clerk of Court, Cecil County
Hon. Donald Sealing, Clerk of Court, Carroll County
Timothy Sheridan, Court Administrator, Circuit Court for Baltimore County
Hon. Kathy Smith, Clerk of Court, Calvert County
Hon. Dennis J. Weaver, Clerk of Court, Washington County
Hon. Joan Williams, Clerk of Court, St. Mary's County

Also Present:

Marilyn Bentley
Karen Bushell
Pete Fenton
Katherine Hager
Jacqueline Hawkins
Diana Liebno

Linda Bird
Tracey Cantrell
Kerry Gibson
Sherry Harrington
Faith James
Joyce Marshall

Ruth Martin
Theresa Mozzano
Wendy Restein
Susanne Wells
Melinda Jensen
Jamie Walter
Tammy Ferguson
Eliana Pangelinan, Staff

Carol Miller
Bonita Rabalais
Joyce Tippet
Faye Matthewes
Andrew Beck
Rebecca West
Sara-Leta Ringenary

A meeting of the Conference of Circuit Court Clerks was held at the Judiciary Education and Conference Center, beginning 12:15 pm. Wayne Robey, Chair, made a motion to defer approval of the minutes from the January 26, 2016, meeting until all members had a chance to review the updated minutes. At the close of the meeting, Susan Braniecki, Vice-Chair made a motion to approve the minutes with the members present being revised. The motion was seconded by Dennis Weaver and unanimously approved with corrections.

1. CLASSIFICATION STUDY UPDATE

Rebecca West greeted the Conference by first introducing Tammy Ferguson and Sara-Leta Ringenary. Also, she mentioned Karen Fary, the newest member to the Classification, Salary Administration and Recruitment Services unit, who was not present. Ms. West noted that, as a result of the ongoing classification and compensation study, a workgroup was formed, Court Operations Work Study, which includes Conference members Amy Craig, Barbara Meiklejohn and Mark Bowen. The workgroup will hold a total of three meetings, of which two have been held. The third and final meeting being scheduled for the week of March 21, 2016. This workgroup was formed to assist in the creation of uniform job titling in both the Circuit Courts and the District Court by having more descriptive job titles. By doing away with Roman numeral titling, e.g. Manger I, II, or III, and replacing it with titles such as junior manager, senior manager, etc., the workgroup hopes to eliminate any confusion as to what the job entails. The workgroup has been able to put together a hierarchy structure of the most important job positions in the clerks' offices.

A comment was made that there is a problem in the Judiciary with respect to duties of the clerks in each jurisdiction. Additionally, the Circuit Courts currently have 15 different titles, while the District Court has seven; this is a major difference. The workgroup would like to develop a consistent process to determine what goes on in Circuit Courts and the District Court to help create consistent job descriptions.

The workgroup has received an abundance of information that needs to be applied to the Maryland Judiciary. Once groupings are categorized, the goal is to transition employees to the minimum benchmark in order to build the hierarchy. Information is being gathered in terms of what is needed to move forward and once completed, the report will be presented to Ms. West. The workgroup requests input from clerks and supervisors are to submit PDQ's to determine job descriptions. A memorandum will be circulated outlining job descriptions, how to adequately

perform the duties of the job, and the list of new titles. The Conference was advised to contact Ms. West with any questions.

2. CourTools UPDATE

Jamie Walters updated the Conference on Court Performance Measures: CourTools Implementation. There are two units of measure: Annual Statistical Abstract, which tracks the number of types of case filings and Caseflow Assessment, which compiles information as to the case disposal period. These measures are important because they help to set leadership goals and provide evidence of success by giving a sense of how courts are performing. The Judiciary wants to be accountable to funders – the legislature and the public.

The Conference of State Court Administrators published a paper through the National Center for State Courts (NCSC) which designed 10 key measures targeted for implementation that are used across the country. Of the 10 measures, the following seven were discussed:

- **Access and Fairness.** This measure rates the customer service aspect of operations focusing on accessibility and treatment of court users. The AOC's Court Operations department would like to conduct an updated survey on customer service as the last survey was completed in 2007. The department will defer to the Court Access and Community Relations Committee to determine how to streamline the survey in a way that will be easier on staff.
- **Clearance Rates.** This tool measures the time it takes to close files by calculating performance as a percentage. The percentage is found by dividing disposed cases by filed cases and multiplying that amount by 10. Per NCSC, the goal is to be between 93% and 105%. A high clearance rate means that old cases are being filed as closed. Currently, the Maryland Judiciary's clearance rate for criminal cases is 105%, and 83% for civil cases. The low rate for civil cases is due to foreclosures moving through the system at a slower pace. Concerns were raised regarding how MDEC will affect the number of filings. In response, it was stated that initially the rate will be high during the adjustment period in keeping with the workload; however, clerks in Anne Arundel County are doing a great job keeping up with the increase in caseload. Clearance rates will be calculated by the end of each year, and it is predicted that the Judiciary will be back on track.
- **Time to Disposition.** This tool measures caseflow assessment which is something that Judiciary already has in place.
- **Age of Active Pending Caseload.** This tool calculates the number of days a case is open starting from the initial filing date through the date the measure is taken. This is similar to the UCS Open Case Time Standard Report. This measure helps to determine the type of cases that need more attention so that those can be closed and filed. This will be calculated at the end of the year and individual measures will be sent.
- **Trial Date Certainty.** This tool measures case postponements by tracking cases that can be disposed of by trial. The goal of this tool is to reassure parties to a case that if a court date is set, it is expected that the trial will go forward and not be postponed.
- **Effective Use of Jurors.** This tool focuses on juror management by focusing on juror

yield. The Judiciary is currently working through issues statewide with handling failures to appear.

- Court Employee Satisfaction. The Conference was advised to contact the Court Operations department if it is interested in having a survey conducted and to provide any questions for inclusion. For example, the survey will ask employees if they have the resources to do their jobs.

The three remaining measures – Reliability and Integrity of Case Files, Collection of Monetary Penalties, and Costs per Case – are considered nonpriority measures and may be addressed at a later date.

3. CONNECT

Mindy Jensen and Andrew Beck were present to give an update and answer questions regarding CONNECT. Ms. Jensen indicated that pursuant to requests from the January 26, 2016, meeting, an email was sent to the Conference with instructions on how to view all employee time and absences. She also stated that other changes have been made and others that are in process.

Of those changes, the FMLA pages have been updated. There is a new *FMLA Take* icon on the My HR page. This has been separated and added as a time so as to not cause any approval problems for employees. Since this is an issue for many people, *FMLA Take* is in the process of being made into a time code on the time sheet. It is planned to be available for use on March 28, 2016. It was inquired as to why it is taking a while for approval of FMLA use to show up in the system. Clerks are subject to receiving notification of approvals, but not the approval process. In response, Ms. Jensen stated that once FMLA is programmed into the time sheet, this should make things easier. The FMLA page is awaiting other improvements that are still in process.

The recruitment process was discussed. When creating a new job opening, a notification that the announcement was created is received by the creator; however, there is concern that there is no way to locate the announcement to see if it is approved because it does not display in the dashboard. Because of this, the creator is not aware of a problem with the announcement and it is eventually closed by the recruiter. Ms. Jensen will look into seeing if this can be added to the dashboard because it currently is a separate HR process and not part of CONNECT. Once the recruitment process has begun, the creator receives only applications and not attachments such as college transcripts. An executive decision was made to make applications available for viewing, and not attachments. In the past, resumes would be submitted in lieu of applications. It was discovered that while sifting through applications for qualified individuals, applicants would send resumes instead of completing the applications as stated on the website. Because of this, qualified individuals are being rejected for not following directions, which require a Judiciary application to be submitted. Although hiring managers would like to see resumes in addition to the application, Human Resources asked that it not be a part of the process. Currently, there is no way to attach a resume, which forces applicants to complete the required application. However, many clerks believe that in order to have professional people work for the judiciary, a cover letter and resume is needed while others believe that if someone cannot follow directions, then he/she is not the right candidate for a position. Updates are being made to the hiring

process and HR liaisons will be will provided additional access. The, target date is April 4, 2016.

Committee members would like to be more involved in the probation reports process. Currently, supervisors are not receiving notifications that an employee's probation period is terminating, nor are they notified of the day that it has terminated. Managers are approving probation reports rating the employee as being satisfactory without the input of supervisors. This is part of discipline and termination actions. Once added to workflows, supervisors should receive notifications. Another concern is that once a report has been generated, there is no way to forward the report in a viewable font size to give it to the employee. Ms. Jensen will look into having a viewable report generated and programming a tickler for managers for the probation report due date.

As far as performance evaluations, the Conference would like to have access to them in CONNECT. The 2016 evaluations can be accessed by clicking on the action button. However, a comment was made that it is cumbersome to have to click on multiple links, to which a response was made advising anyone who is seeing repetitive information to contact Ms. Jensen. Some clerks make hard copies of evaluations to place in individual personnel files as another means of access. Another report that can be completed that was mentioned by a Conference member is the New Hire evaluation, although this is not required. This report has the employee rate him or herself in addition to the supervisor's rating of the employee. However, this report is not calculating properly because it is producing one rate, the average of the employee's rating and the supervisor's rating, instead of two average ratings. Ms. Jensen will look into why the rate is not calculating correctly.

Ms. Jensen stated that the time sheet in CONNECT received favorable feedback; specifically, it is 1,000 times better than the paper format. A question was raised regarding why compensatory time needs to be requested through the time sheet and not the absence tab. Mr. Beck responded that the system does not look at compensatory time as accrued leave and the challenge in this is to use the system as much as possible so a customization was not created.

Time sheet and leave request submissions are still an issue. The last couple of pay periods, Ms. Robinson has sent notifications that items were not submitted. Reports are being run prior to deadlines and sending notifications that items are due without specifying what is missing. Because of this, it is requested to include the time the report is generated on the report. A GEARS-like report is in the process of being created so that certain information can be easily accessed. Under workflow, items can be approved; once something is in process, a notice is generated and sent.

There was some discussion about time sheets being incomplete, and because of this, employees have been receiving compensation for the hours input into the timesheet. A Conference member stated that it is a bad morale decision if full time employees are not being paid for a full two weeks of work. Some lost two hours of pay while others lost more; one employee entered two hours of time worked for the entire pay period on the time sheet. It was agreed that the only way employees will take responsibility is for the Payroll department to enter time based on what is entered in the time sheet. Also, employees are saving and not submitting

their time sheets. If a correction is needed, the time sheet needs to be resubmitted for approval. A question was asked about what to do if both the manager and supervisor are out of the office and cannot approve time sheets. In response, Ms. Jensen stated that the delegate task feature may be used or CONNECT can be accessed using an electronic device. However, the time sheet is not accessible if using an iPad or iPhone; all other pages are accessible. Androids are compatible. JIS is looking into the security requirements of two different browsers that are compatible. Once JIS has completed their research, Ms. Jensen will inform everyone via email.

Other topics of discussion were employee service awards and employee salary information. A question was asked inquiring about CONNECT's role in Employee Service letter generation. In the employee dashboard, the service anniversary date appears. However, the anniversary date reflects the date the employee started at his/her current work location. For example, if the employee worked at Queen Anne's County Circuit Court and left to work at Dorchester County Circuit Court, the date reflects the start date under Dorchester County. Additionally, when employees cross over from the District Court to the Circuit Court, the District Court service is not reflected. Ms. Jensen stated that the challenge is to get these dates displayed, but it was determined that the date to be displayed is the date the employee joined the Judiciary and not State service. As far as accessing employee salary information, this can be accessed by going to manager self-service, clicking on Job Info, then view Job Info, further clicking on Work Force Job and then Summary.

The Conference was advised to continue to contact the help desk with any issues with CONNECT or if there are any comments.

4. For the Good of the Order

Susan Braniecki, Vice-Chair, informed the Conference that the Joint Conference is scheduled for some time in June at the Hilton Garden Inn. Dates have not been confirmed as of yet. Also, MDEC goes live for the Upper Eastern Shore in July.

Pamela Harris updated the Conference on issues with Maryland Archives (Archives). The Conference expressed concern about the Archives not performing pursuant to the terms of the Memorandum of Understanding (MOU). There is an MOU being drafted that will be in place for a four-year period; there is currently one in place with a term of one year. The MOU required 60 years' worth of data be provided to the AOC. Tim Baker, State Archivist, stated that he will work with the Judiciary to meet this requirement. Ms. Harris added that funding, pursuant to the MOU, is contingent on the 60 years' worth of images and index data. To date, this data has not been made available and, as such, funds have not been transferred to Archives. There have been discussions during the legislative session to transition funding for the Archives from the Judiciary to the Executive Branch through the general fund.

A Conference member commented that Mr. Baker has requested that the original index of civil documents be sent to his office to which he was denied by the clerk and was told that he will be given a copy. Another Conference member commented that Mr. Baker contacted her office requesting access to the main frame database; he was told that he can access this

information on CaseSearch. Moreover, he is requesting an index of files in the event that he does not receive every file from a certain period. When it comes to expungements, clerks are requesting files from Archives so that the docket sheet can be redacted. Mr. Baker is requesting in writing a statement that the file will be returned to Archives. From the clerk's perspective, Archives is storage for closed files, and if the file is needed back, then it is considered to be open and in an active status. It was requested that when it comes to expungements, language regarding sealed docket sheets should be included in the MOU.

It was noted that in addition to the funds received through the MOU, the Archives was also being paid from each county for work performed. Ms. Harris deferred the matter to Donald Sealing and his subcommittee for further review. Ms. Harris asked the Conference not to enter into any agreement with Archives unless it is clear what is entailed.

5. Committee Updates

- ❖ Judicial Council
 - The March 16, 2016, meeting was canceled. The next meeting is scheduled for April 20, 2016.
- ❖ Court Access and Community Relations Committee
 - No update
- ❖ Court Operations Committee
 - Donald Sealing circulated an email to the clerks with updates from the last meeting.
- ❖ Education Committee
 - A survey to inquire about needs being met is being drafted. Also, a regional MDEC training class is in process.
- ❖ Technology Committee:
 - Scott MacGlashan noted that the CaseSearch Subcommittee will discuss open and active juvenile cases and who should have access to these cases. Also to be discussed is whether closed cases that are active until 21 years should be available on case search.
- ❖ Specialty Courts and Dockets Committee:
 - No update
- ❖ Conference of Circuit Court Administrators
 - During the March 29, 2016, meeting, an update to the Classification Study was provided.
- ❖ Conference of Circuit Court Judges
 - The next meeting is scheduled for March 21, 2016, at the Judiciary Education and Conference Center beginning at 9:30 am.
- ❖ Land Record Oversight Committee
 - No update
- ❖ Rules Committee
 - A discussion was held, which did not result in a rule, regarding the recording of bond and initial hearings conducted by District Court Commissioners. At this point, only criminal matters will be recorded using CourtSmart.

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There being no further business before the Conference, Ms. Braniecki adjourned the meeting at 2:57 p.m. The next meeting will be held May 17, 2016.

Respectfully Submitted,

Eliana Pangelinan, Staff