



STATE OF THE COURT REPORT – 2020

Circuit Court for Montgomery County

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Executive Summary

Due to the outbreak of the novel coronavirus, COVID-19, and following the guidelines issued by the Centers for Disease Control concerning the pandemic, Chief Judge Barbera ordered all courts in the Maryland Judiciary to adhere to restricted, emergency operations beginning March 16, 2020. During restricted operations, the Circuit Court for Montgomery County (also referred to as the Court) participated in statewide judiciary workgroups. Local workgroups and committees were also established to ensure the administration of fair and efficient justice amidst extraordinary circumstances.

The 2020 State of the Court Report describes key initiatives planned and implemented in response to the COVID-19 emergency. These initiatives are categorized into the following four reengineering areas:

1. Customer Service,
2. Courtroom Management,
3. Case Management, and
4. Courthouse Facilities and Employee Support.

The Court continues to monitor current practices as well as explore alternate approaches to maintaining access to justice and efficient case processing. While challenges continue, they are being overcome with an awareness that we are stronger when we work together. Local innovation and state support are a catalyst to providing not only efficient but also quality justice.

The following table lists key initiatives and accomplishments that are more fully described in the report.

Initiative		Brief Description/Accomplishment
Customer Service Reengineering Initiatives		
I	Electronic (Document) Filing	Alternative to in-person filing and allowing 24/7 access without wait for qualified filings; received ~6,000 new e-filings between March 17 th and August 31 st , 2020.
II	Physical Drop-Box Outside the Courthouse	Alternative to in-person filing and allowing 24/7 access without wait.
III	Discovery E-Filing	Allowing electronic, remote submission of discovery paperwork.
IV	Remote, Public Access: Call-in Information Listing	Allowing the public to listen to open court proceedings remotely.
V	Online Court Services and Appointments	Developed a web-based appointment system to access public records and recertify notary. Since July 2020, received over 500 requests for document copies and 175 requests to review case files and completed 445 notary re-certifications.
VI	Pro Bono Mediation and Custody/Access Mediation Program	Provided remote custody/access mediation for over 80 cases.
VII	Online Co-Parenting Classes	Allowing parties to attend co-parenting classes online. A total of 243 parties were ordered to attend the classes during the emergency period.

Initiative		Brief Description/Accomplishment
Customer Service Reengineering Initiatives (cont'd)		
VII	Remote Custody Evaluation, Adoption Investigations and Supervised Visitation Services	Completed 118 remote custody evaluations, 24 adoption investigations and 10 supervised visitation engagements.
IX	Land Records	Parties allowed to file records outside the courthouse, which ensured compliance with social distancing guidelines.
X	Business License Applications	Completed renewal of all 15,000 license applications by June 30, 2020.
XI	Marriage Licenses Applications	Developed a procedure to process emergency requests for marriage licenses without requiring parties to be present. Issued 120 licenses during the first month of implementing the process.
XII	Family Law Self-Help Center Telephone Assistance and Appointments	Provide phone-only consultations (50-60 daily) with extended hours until 7:30 pm (on Tuesdays) and in-person, by-appointment consultations. Services increased from 8 SRLs assisted/day in July 2020, to 12/day in August 2020 and to 18/day in October 2020.
Courtroom Management Re-Engineering Initiatives		
XIII	Interpreter E-mail Listing	Developed an application to identify an interpreter for a remote proceeding and send his/her information to the scheduler to invite the interpreter in the remote proceeding.
XIV	Remote Hearings - Training and Support	Trained judges, magistrates and court staff on hosting remote proceedings using the <i>Zoom for Government</i> platform. Distributed user guides in five languages to assist participants and interpreters.
XV	Improving Collection and Access to Case Party Information	Developed a process to collect and store party contact information including emails and phone numbers. Created 447 forms with approximately 670 party contacts.
XVI	Drug and Mental Health Courts	Revised policies and procedures to support remote Drug Court and Mental Health Court programs. Retooled incentives and sanctions to ensure that quality service was provided to participants.
XVII	Courtroom Clerk Management	Modified approaches to courtroom clerk management and operations related new employee training, delivery of paperwork and communications across stakeholders.
XVIII	Resumption of Jury Trials	Reviewed and revised procedures relating to the summoning of potential jurors, juror check-in and orientation (seating arrangements) for jury selection.
Case Management Re-Engineering Initiatives		
XIX	Assignment Office Operations	Modified business practices related to the scheduling and rescheduling of court events.
XX	Modifications to Plea Judge Policy Adjustment	Modified the existing plea policy resulting in 166 plea agreements filed with 23 judges and disposition of 175 cases.
XXI	Modifications to the Civil Track 3 Settlement Pretrial Conferences	Allowed for remote settlement conferences before senior judges to reduce in-person contact while maintaining access to alternative approaches to case disposition.

Initiative		Brief Description/Accomplishment
Case Management Re-Engineering Initiatives (cont'd)		
XXII	Alternative Dispute Resolution	Provided remote mediations in divorce and custody cases to reduce case backlog and prevent cases from being rescheduled.
XXIII	Special Family Docket for Senior Judges	Created a new docket of family cases for senior judges to remotely preside over to address case backlog.
XXIV	Caseload/Workload Landscape Analyses	Analyzed caseload (filings and terminations) and courtroom activities (hearings set and held, docket filings) during the March-May 2020 period and compared to a similar time period in FY19.
Courthouse Facilities and Employee Support Initiatives		
XXV	Visitor Log	Developed a centralized data collection system of court visitors to manage public access/movement in the courthouse.
XXVI	Kids Spot for Virtual Learning	Offered a virtual learning room for school-aged children of court staff to support employees return to work.
XXVII	Health Screening Questionnaire	Developed a web-based, daily health questionnaire for court staff to fill out when they log on to their PC at work.
XXVIII	Extended Teleworking	Provided technical support and guidance to non-essential court staff to perform tasks remotely. Implemented solutions and redistributed work to ensure continued work productivity.
XXIX	Internal and External COVID-related Communications	Instituted several communication exchange opportunities with court staff and external stakeholders to discuss courthouse reopening plans.

Background

Between mid-March and early May 2020, case-type specific workgroups/committees headed by associate judges were instituted by the Administrative Judge for Montgomery County Circuit Court, Robert A. Greenberg, to develop backlog reduction and case processing improvement plans. These court teams recommended strategies for implementing e-filing and remote proceedings. Input from these court teams as well as recommendations from the Maryland Judiciary's Conference of Circuit Court Judges (CCCJ) guided the work of the Start-Up Protocol workgroup. This local workgroup, established on May 7, 2020 by the Administrative Judge, included judges, magistrates, Clerk of the Court, Court Administrator, Differentiated Case Management (DCM) Coordinator, Assignment Office Supervisor, Courtroom Clerks Manager, Family Division Services Coordinator, Administrative Aides to the Administrative Judge, and Technical Services Director. Workgroup reopening plans¹ focused on setting case processing and hearing priorities across different case types and developing business protocols for attorneys, court staff and remote courthouse access. Reviews of caseload and workload were undertaken to inform operations decisions. In Phase I of emergency operations, the workgroup met regularly to plan for the resumption of expanded operations for future phases. Most, if not all, of the initiatives described in the 2020 State of the Court Report were informed by the Start-Up Protocol workgroup's efforts.

¹ Published versions of the reopening plans for Phases 4 and 5 are available on the court's website via the following links:

Phase 4: https://www.montgomerycountymd.gov/cct/Resources/Files/COVID-19-Notices/MC_CircuitCourt_ReopeningPlan_Phase4.pdf

Phase 5: <https://www.montgomerycountymd.gov/cct/Resources/Files/COVID-19-Notices/Phase-V-MCCC.pdf>

The following sections of the report provide an overview of key initiatives implemented across four focus areas: 1) Customer Service, 2) Courtroom Management, 3) Case Management and 4) Courthouse Facilities and Employee Support.

Customer Service Reengineering Initiatives

The initiatives in this section reflect those implemented to support patrons and attorneys to ensure continued access to justice. The initiatives focus on e-filing, remote proceedings, and the processing of land records, marriage licenses and business licenses, as well as various family services including the family law self-help center, custody/access mediations, evaluations/investigations and co-parenting classes.

I. Electronic (Document) Filing

On May 8, 2020, the Administrative Judge established an e-filing workgroup to develop business processes that utilize technology for the filing of documents by litigants via electronic means. Members of the e-filing workgroup, chaired by the Honorable Anne K. Albright, Associate Judge, included a special magistrate, representatives from the Bar Association of Montgomery County, Clerk of the Court and her staff (Chief Deputy, Assistant Chief Deputy and managers), Court Administrator and Technical Services Director and his staff. Because Montgomery County is not yet live with the Maryland Electronic Courts (MDEC) system, a system was developed by which attorneys and self-represented parties could easily and efficiently file their pleadings electronically rather than venturing to the courthouse or the post office to drop them off. The e-filing workgroup developed business processes for accepting filings remotely. E-filing instructions (per administrative order) were disseminated to local and specialty bars, the State's Attorney's Office, the Office of the County Attorney, the Office of the Public Defender, and the Maryland State Bar Association. The instructions were also posted on the Court's website and are available for access at <https://www.montgomerycountymd.gov/cct/Resources/Files/COVID-19-Notices/AO-Availability-of-Electronic-Filing.pdf>.

The e-filing initiative was launched on June 8, 2020. While it was assumed that the process would become popular, it grew even faster than expected. The Clerk's departments approved 200 filings in the first week and the number of e-filings quickly mushroomed to close to 6,000 in the first three months. By working closely with the Bar Association, staff overcame some early issues, which have now been stabilized resulting in an average filing rejection rate of 15 percent.

II. Physical Drop-Box Outside the Courthouse

Montgomery County Circuit Court always had a drop box for after-hour delivery of papers. Filings placed in the box were collected every morning, stamped in, and distributed to the departments for docketing. Beginning in March of 2020, the number of papers placed in the drop box increased substantially, and the existing box was not large enough to hold all the pleadings that were dropped off. To deal with the situation, a larger box was installed and increased the frequency of collection from once a day to every few hours during court business hours. To more efficiently process pleadings, notices (in English and Spanish) were also placed

on the boxes requesting that all envelopes be labeled with the department's name and an indication of whether the request was an emergency. These improved processes provided the public and attorneys with better customer service (e.g., a 24/7 access that improved processing time) without jeopardizing social distance guidelines.

III. Discovery E-Filing

During the emergency operations period, the Discovery E-filing workgroup identified ways to handle outstanding motions without requiring parties to appear in person. Members of the workgroup, chaired by the Honorable Anne K. Albright, Associate Judge, included judges, magistrates, representatives from the Bar Association of Montgomery County, Clerk of the Court, Court Administrator, Judicial Information Systems Engineer, and Technical Services Director and his staff. The workgroup decided to utilize the *Sharefile* application to facilitate the transmission of files and communication among a judicial officer and parties. The outlined business processes were defined as follows:

- An attorney(s) of one of the parties in a dispute uploads discovery matters and associated papers to *Sharefile*.
- An attorney(s) sends an email to a designated email address to indicate that files have been uploaded, which in turn notifies a judge of a dispute ('Discovery Judge') of the filing.
- When e-filing discovery matters, an attorney(s) is required to also upload related motion(s) and opposition(s) to *Sharefile* to assist the Discovery Judge's review.
- Upon receipt of the party's email notification, the Discovery Judge accesses the application, creates a case-specific folder(s), and invites litigants to upload additional documents to the folder.
- Upon reviewing all the relevant documents, the Discovery Judge drafts an order, uploads it to *Sharefile*, and emails the notice to the litigants.
- When the order is complete and signed by the Discovery Judge, all the papers are uploaded to *Sharefile* and sent to a civil clerk for docketing.

Remote Proceedings Initiatives

On May 8, 2020, the Administrative Judge formed a Remote Proceedings workgroup to identify policies and procedures, technical recommendations, and instructional guides to remotely conduct hearings and support services offered by Family Division Services. Members of the workgroup, which was chaired by the Honorable David W. Lease, Associate Judge, included a Family Magistrate, Clerk of the Court and her staff (Assistant Chief Deputy and Courtroom Clerks Manager), Court Administrator, Family Division Coordinator, Director and Operations Manager of Technical Services Department, judicial assistant and law clerk.

Since video and telephone remote proceedings were anticipated to take place in different settings (e.g., courtrooms, hearing rooms, chambers, and offices) and with users of differing technical abilities, the workgroup identified several technical requirements and technical challenges. Solutions discussed by the workgroup included a teleconferencing bridge system,

video conferencing platform, live streaming service, document exchange capability, and signature capability. The workgroup also recommended that a standing Remote Court Proceedings committee be formed to address evolving technology, changes to workgroup recommendations, and new issues identified during implementation. This standing committee would also implement approaches for tracking, reviewing, and responding to concerns raised from the use of the proposed technologies as well as identify ways to mitigate risks associated with using the technology for remote proceedings.

IV. Remote, Public Access: Call-in Information Listing

In May 2020, Court Administration and Technical Services planned and implemented a solution to allow the press and the public to remotely listen to open court proceedings to maintain transparency and accountability. For this purpose, a Microsoft Form was created and placed on the Court's website where interested parties would file a request for the *Zoom* audio call-in information for public hearings.

V. Online Court Services and Appointments

Restricted operations challenged the delivery of important court services. To provide these services without compromising the safety and health of all involved, a series of online forms were created to request an appointment to renew notary commissions, view court files, and obtain copies of court records. Since these services became effective on July 20, 2020, over 500 requests for copies and 175 requests to review case files were received as well as 445 notary recertifications were completed.

VI. Pro Bono Mediation and Custody/Access Mediation Program

Beginning in May 2002, the Court contacted individuals on its custody mediation and ADR lists inquiring of their interest to provide remote mediation services on a pro bono basis. The reasons for this shift in operational approach were to reduce a large backlog in family cases caused by restricted operations and promote litigants' self-determinant case resolution in a safe environment. After securing the availability of remote mediation services, Family Division Services staff contacted self-represented litigants or counsel in all cases with hearing dates to identify their interest in pro bono mediation and determine their eligibility by conducting a screening intake. Pro bono mediation resulted in multiple cases proceeding to mediation. This project, which provided remote mediation sessions since July 2020, officially ended in August 2020. Additional information on pro bono mediation is discussed further in the Alternative Dispute Resolution initiative (Section XXII).

As of Phase II, litigants have been referred to custody/access mediation by a Family Magistrate at the time of the Scheduling hearing. Once referred, parties were contacted by Family Division Services staff to complete a screening intake by phone. After determining the case was appropriate to proceed to mediation, the staff assigned the case to a mediator, who then worked with litigants and counsel to schedule virtual mediation on a platform of the mediator's

choosing (*Zoom*, in most instances). While mediation was held remotely, designated magistrates and judges were present to take testimony to finalize the matter and place agreements on the record. Results of the mediation were filed within five days. Magistrates also reviewed the agreement and determined whether or not parties must appear in court virtually to finalize the matter. A new stock order regarding mediation and ADR was also developed to accommodate the new protocol.

Custody/access mediation has been highly utilized with over 80 cases referred to mediation after screening. Referrals to mediation has experienced a dramatic increase from any pre-COVID-19 month. It is anticipated that in-person mediation will resume when it is safe to do so. However, for cases where parties have accessibility issues such as one party residing out of state, remote mediation has proven to be a viable option and may be utilized in the future.

VII. Online Co-Parenting Classes

Beginning June 1, 2020, the Family Division Services Court Evaluator's Office explored offering online co-parenting classes. Prior to the Court's restricted operations, co-parenting classes were offered in person. In order to continue to provide co-parenting classes to litigants, while ensuring their health and safety, complying with re-opening guidelines and maintaining compliance with Maryland Rule 9-204, Family Division Services contracted with an online co-parenting class provider already delivering classes to multiple jurisdictions in Maryland. All parties who were ordered to attend co-parenting classes were advised to complete the classes online and were provided instructions for online class registration. A total of 243 parties were ordered to attend online co-parenting classes during the emergency period. It is anticipated that the online option will be offered even after in-person classes resume in the future.

VIII. Remote Custody Evaluation, Adoption Investigations, and Supervised Visitation Services

The Family Division Services Court Evaluators' Office began providing remote evaluative services beginning in May 2020. Interviews for custody evaluations and adoption investigations, including virtual visits to the parties' homes and observations of parents and children, were conducted via *Zoom*. The Court ordered 118 custody evaluations and 24 adoption investigations. While this *Zoom*-based process has proceeded smoothly, the possibility of child/children being coached or influenced by a parent or other adult(s) present but off camera during interviews is a concern as it may taint the interview. As such, it may be hard to determine the weight of the child/children testimony in a case. Court evaluators remain cognizant of this risk when providing this service.

Supervised Visitation began remotely on June 1, 2020. Visiting parents had virtual visits with their child/children each week for varying times based upon the age and ability of the child. The Court ordered 10 remote supervised visitation services. This option for allowing parents to spend time with their children was initially thought to be a very inferior substitute for face-to-face visits. However, it has proven to be quite successful partly because the virtual arrangement

allows a visitation supervisor to “leave” the room while still observing interactions between parent and child rendering interactions more natural. To date, feedback from parents about the program has been largely positive.

All of the aforementioned services are expected to return to in-person alternatives when safe to do so. However, in cases where a parent may live so far away that coming to the courthouse for an interview is not an option, remote interviews may be considered.

IX. Land Records

In March 2020, Land Records was not identified as an essential operation. However, that quickly changed when a high volume of calls was received from title companies. Since the department was not set up for e-filing, the Clerk’s Office created a new procedure for title searchers to come to the courthouse at 10am, noon, and 2pm to drop off any filings. Land Records staff met the searchers outside the courthouse to pick-up any documents that needed to be filed and provided return receipts from the previous day’s filings. The Clerk’s Office was also provided laptops to allow some Land Records staff to record and index the work from home. With this updated business process, the department was able to prevent any workload backlog.

X. Business License Applications

Montgomery County Circuit Court processes over 15,000 business license renewals every year. Since all business licenses expire at the end of April each year, the license expiration date was extended to prevent a large number of applicants from visiting the courthouse for license renewal. A limited number of employees was able to prepare all renewals, deliver them within time guidelines and in a manner that maintained social distancing guidelines. This feat was a testament to their commitment to serve. All 15,000 licenses were mailed by the extended deadline of June 30, 2020.

XI. Marriage Licenses Applications

The Maryland Code requires anyone applying for a marriage license to appear in person before a clerk during business hours. With emergency operations instituted, there was no way to obtain a marriage license. A process was established so that interested parties were able to obtain a marriage license for emergency reasons without appearing in person. When a party filed a written request for an emergency remote application for a marriage license by mail or placed it in the drop box, the request was reviewed by the Administrative Judge to determine if good cause existed to permit the license to be issued without the need for an appearance. If the Administrative Judge approved the request, the order was issued that waived the requirement to appear in person. This procedure allowed those that were being deployed, lost their health care,

or were critically ill to obtain a license without appearing in person². In the first month that this procedure was put in place, over 120 licenses were issued, all by one essential employee from the License Department.

XII. Family Law Self-Help Center Telephone Assistance and Appointments

Beginning in early April 2020, Family Division Services staff considered ways to provide legal assistance to self-represented litigants (SRLs) who were in need of assistance. The goal was to continue ensuring that SRLs have easy access to free, quality legal assistance in the safest possible environment during the pandemic.

Attorneys in the Family Law Self Help Center (FLSHC) provided limited legal assistance via telephone between 8:30am and 4:30pm on April 6, 2020 with extended hours until 7:30pm on Tuesdays. One of the challenges immediately faced with simply having a call-in number was the possibility of the staff attorney unknowingly providing assistance to a SRL with whom he/she has a conflict. This issue was addressed by having the FLSHC assistant manage a main call-in number for SRLs. The assistant performs a conflict check before transferring and/or coordinating the call between the SRL and the attorney.

To address the issue that many SRLs did not have access to a printer and therefore could not print forms needed in their case, the FLSHC set up a rack at the main entrance of the courthouse where litigants would be able to pick up case forms without entering the building. In July 2020, the FLSHC assisted eight SRLs per day by appointment only. The number increased to 12 per day when the Court moved to Phase IV operations on August 31, 2020. The FLSHC will open 18 appointment slots per day in Phase V. Despite the fact that the day-to-day procedures of the FLSHC were entirely changed by the pandemic, staff have been able to provide legal assistance to many litigants with daily appointments filled to capacity, and the number of calls for assistance averaging 50 to 60 per day. Enhanced safety measures such as a plexiglass shields on each staff attorney's desk, keeping officer doors open when meeting with clients and minimizing the congregation of clients in courthouse waiting areas allowed the Court to continue to provide quality service to these patrons.

It is anticipated that providing legal assistance via telephone will continue in some capacity as this enables many litigants to receive guidance with minimal disruption to their daily schedules. Appointments, which had not been in place prior to the pandemic, are also anticipated to continue into the future as an additional way to reduce long wait times for clients.

² The Administrative Judge no longer has to review/grant good cause for the marriage application to be processed/in person appearance waived. Customers print the online marriage application, fill it out and mail it in with their payment. It takes five to seven business days for court processing.

Courtroom Management Re-Engineering Initiatives

XIII. Interpreter E-mail Listing

Beginning in May 2020, Court Administration and the Clerk's Office explored the development of an interpreter e-mail listing (database) with easy user access to decrease confusion as to which interpreter was assigned to which case and to increase efficiency of interpreter entry into remote proceedings held via *Zoom*. This listing provided judicial staff with transparency about which interpreter was assigned to a given case and allowed them to invite the interpreters into the *Zoom* hearings. This process uses the Court's intranet as the user interface. This project is ongoing and is likely to continue post-pandemic.

XIV. Remote Hearings - Training and Support

Beginning June 2020, following the recommendations of the Remote Proceedings workgroup, Technical Services and Court Administration with assistance from judicial officers and court staff, planned and implemented *Zoom for Government* training and support for remote hearings. *Polycom* portable room systems were purchased for older courtrooms in the North Tower. Court Administration had one judge's chambers establish and document the courtroom processes associated with remote proceedings, which was crucial for success. Specifically, the judge's chambers was used to mock a remote proceeding with two attorneys, an interpreter, law clerk, courtroom clerk and judicial assistant. Issues were identified and all processes were documented. Technical Services established governing standards to ensure the security of the system and ease of use. Microsoft OneDrive was used for file sharing and JIS supplied DocuSign for e-signatures. Court Administration worked with Technical Services to establish public *Zoom* rooms in the courthouse for those without access to technology to participate in court events remotely. While it is expected that the number of events heard remotely will decrease after the pandemic, the technology used to support such proceedings will likely continue.

XV. Improving Collection and Access to Case Party Information

Beginning in May-June 2020, Court Administration in coordination with Research and Performance began examining ways to improve the collection and access to case party information to facilitate the process of contacting parties for scheduling remote court proceedings. With the scheduling remote hearings, it became clear that party contact information (such as e-mail addresses and cell phone numbers for attorneys and particularly self-represented litigants) was not always readily available in the legacy case management system. This created an additional challenge for staff across several administrative and judicial offices who were responsible for coordinating these remote hearings.

In June 2020, Court Administration decided to create a Case Party Contact Form. The purpose of the form was to assist in the collection, storage and retrieval of party contact information obtained when scheduling remote hearings. Parties' e-mail and phone number(s) captured on this form were entered into the legacy case management system (CMS) by court staff.

In July 2020, the form was created by Technical Services in SharePoint as part of a SharePoint List (e.g., a tracking log). Testing of the form was performed by Research and Performance as well as Family Division Services. Family Division Services played a key role in the scheduling of remote family hearings. Family Division Services Front Desk Administrative Staff as well as the Family Division Coordinator and the Deputy Family Division Coordinator, have been supporting the Family Magistrates by collecting emails for litigants and counsel in the many hearings that are presided over by magistrates each week. Family Division Services' insights regarding the collection of case party contact information were instrumental to this project.

Once testing was complete, in late July 2020, Research and Performance trained administrative staff from the following offices: Assignment Office; Judicial Administrative Assistants; Magistrate Administrative Assistants; Family Division Services; Quality Control. The pilot period occurred between August 3 and 21, 2020. During that period, 401 case party contact forms were created with approximately 1.5 contacts per form, which results in 602 pieces of contact information entered into the CMS.³

As a result of the pilot, access to the form has been expanded to all judicial assistants as well as all staff within administrative offices responsible for remote scheduling. Court administration continues to investigate ways to enhance access to party contact information. While job responsibilities have shifted, to the extent that operations return to a pre-pandemic posture, continuing the remote scheduling task may become overwhelming unless exploration of improvement initiatives continue. In light of this, Research and Performance has worked with the AOC, Data Processing and Technical Services to improve attorney e-mail information from the statewide AIS data feed as well as determine whether party (plaintiff/defendant) e-mails can be obtained via e-filing. Court administration is also interested to hear from other courts statewide about lessons learned related to remote scheduling.

XVI. Drug and Mental Health Courts

Beginning March 2020, Problem Solving Courts were tasked with ensuring that program participants receive services and oversight without interruption despite the obstacles created by the pandemic. This resulted in revising program policies, court dockets, case management meetings, treatment sessions, drug testing protocols, responses to behavior, and housing. Through coordination among the Problem-Solving Court team, Technical Services and Court Administration, Drug Court and Mental Health Court practices were restructured to ensure the integrity of the programs and the safety of program participants during unprecedented times.

The Drug Court and Mental Health Court teams re-evaluated program policies and procedures to ensure an elevated level of supervision and support for program participants. This included an increase in case manager contact, virtual therapy sessions, imposition of curfew and frequent, virtual court sessions. Drug Court's perspective on the use of incarceration also had to be

³ It is important to note that the CMS does collect some party (primarily attorney) e-mail contact information, which has been helpful in the scheduling of remote hearings.

shifted due to safety concerns associated with possible COVID-19 exposure in the Montgomery County Detention Center and the Montgomery County Correctional Facility. This led to many participants being released who would have otherwise remained incarcerated. Additionally, short-term incarceration was used only when there was a substantial concern for the safety of the participant.

Court dockets, which were initially held by telephone calls, were quickly transitioned to a video/teleconference application (*BlueJeans*). The Drug Court docket was also reduced from three large dockets each week to a smaller docket supporting an average of seven cases. This allowed for a more manageable way for Drug Court staff to obtain client updates. A women-only docket was also created that has been held once per month during the pandemic period. Drug Court clients were expected to appear either weekly or biweekly, which has been an increase in court attendance for those who are in later phases of the program. Mental Health Court also increased court appearances and scheduled two hearing times rather than one per week.

Case managers increased phone contact with clients and arranged virtual check-ins. The case management team hosted virtual social activities such as bingo and a virtual escape room. The team also organized a paint night with the female Drug Court participants in the courtyard of the courthouse. Other activities such as a virtual prize wheel and use of e-gift cards were offered as incentives and financial support during this period of financial crisis. Creative sanctions such as observing all court dockets, increasing virtual sessions with case managers, and daily virtual meetings were used in response to client behavior. Placement in residential treatment also increased to ensure those struggling with sobriety remain safe.

The Technical Services Department assisted with allowing Drug Court's primary treatment provider, Outpatient Addiction Services, access to *BlueJeans* to facilitate virtual group treatment sessions. While the use of urine collection became less frequent, funds were acquired for the use of deliverable oral swabs. Once a client received a swab test kit at their residence, case managers scheduled a virtual meeting with the client to observe the swab being used and sealed for delivery back to the lab.

Restructured operations are expected to continue post-pandemic; however, both programs will continue to evolve based on re-opening protocols.

XVII. Courtroom Clerk Management

General Overviews

To ensure the health and safety of court staff, litigants and attorneys, most hearings are now heard remotely with limited in-person hearings via *Zoom for Government*. The new hearing format resulted in drastic changes in many courtroom procedures, to which courtroom clerks had to adapt.

New Employee Training

With social distancing implemented in the courtroom, courtroom clerks adopted new training protocols for new employees. They started their work via teleworking from home by observing their lead workers clerking in the courtroom. Though this brought some challenges in understanding business practices by not experiencing the courtroom in person, the new employees were able to continue their training by participating remotely. Their laptops were equipped with all the applications needed to allow them to docket case information remotely.

Technology

To clerk the courtroom dockets, staff must be adept at using the available technology. As court proceedings increased their use of tele- and video-conferencing, it became critical for clerks to navigate this new courtroom environment. The clerks were interacting with courtroom participants in new ways. For instance, interpreters who would normally be in the courtroom to assist litigants used *Zoom* to perform simultaneous interpretation while the hearing was being conducted. Also, the jail allocated additional resources to support expanded use of plea and sentencing hearings via *Zoom* to avoid transporting defendants to the courthouse. Courtroom clerks routinely swore-in parties via video and were required to monitor multiple screens/applications to docket courtroom activities accurately.

Paperwork

Remote hearings required restructured management of paperwork for parties and agencies. For example, pre-pandemic, plea and sentencing hearings were held with the defendant appearing in person and receiving and signing all their paperwork during the hearing in the courtroom. However, since mid-March, if the defendant was incarcerated, courtroom clerks had to prepare all the paperwork and email it to the jail. The courtroom clerks also had to ensure that all paperwork was signed and had the proper language before docketing could occur in the court's case management system.

Communication

To run these remote dockets efficiently, effective communication with court staff and agencies became increasingly important. Pre-pandemic, since most if not all parties who needed to participate in hearings were physically in the courtroom, it was relatively easy to communicate with everyone in one place and at the same time. In the pandemic era, however, social distancing requirements in the courtroom resulted in the law clerk sitting in the witness stand and the judge on the bench or sometimes remaining in chambers during the proceeding. Clear and consistent communication was critical to ensure procedural alignment during and after the proceeding. Courtroom paperwork was emailed to all relevant court staff, including courtroom

clerks, so that staff were aware of all the logistics in each case. An additional procedure put in place to ease the transmission of information was the designation of a law clerk to be the contact person and the communication conduit for all the correctional facilities across the county and state.

XVIII. Resumption of Jury Trials

The Jury Operations Plan was revised in preparation for the resumption of grand jury (June 4, 2020) as well as criminal and civil jury trials (October 5, 2020) under COVID-19 related courthouse security guidelines. The plan was updated to include a wide range of issues ranging from facilities preparation to jury summoning processes. Newly added procedures also expand the definition of deferrals and excusals to protect individuals with underlying health conditions from exposure to COVID-19. More thorough security screening, cleaning and traffic flow regulations and handling of individuals with a presumptive or positive COVID case were also part of the revised plan.

Case Management Re-Engineering Initiatives

XIX. Assignment Office Operations

Over the past six months a tremendous backlog was created in court proceedings. In addition, implementation of an e-filing process challenged the Assignment Office (AO) in its mission to efficiently schedule new hearings and trials while also rescheduling postponed/cancelled events within time guidelines. This section describes various processes that AO developed with chambers, parties/attorneys, and court staff to respond to emergency operations.⁴

Clearing the Court Hearing Backlog

The AO Commissioner and Office Manager created backlog reports on all criminal, family and civil matters that needed to be rescheduled upon reopening. Once the reopening plan was announced, AO personnel worked through the reports to clear trial and hearing dates with attorneys and pro se litigants for all matters set for two or more days while maintaining their daily desk tasks and answering customer calls. The backlog of hearings (also referred to as events) in all case types, with the exception of MCOOSE cases, was successfully cleared by mid-August 2020.

The civil and family quality control (QC) report, which tracks questionable/mismatched case information across clerks and AO personnel was corrected within the first two weeks of reopening in early June 2020. The 32-page criminal QC report was reduced to 9 pages as of September 22, 2020. All FY20 questionable/mismatched criminal case information were then programmatically cleared with only issues for FY21 remaining. The AO Front Desk Clerk and criminal clerks also updated hardcopies of the dockets from mid-March to early June 2020, which were then reviewed and verified for accuracy by the criminal lead worker and Office Manager prior to scanning.⁵

To better manage the scheduling and rescheduling of future events, dockets were reviewed and updated more frequently. Pre-pandemic, dockets were reviewed two days before the event. That business process changed such that initial preparation of dockets occurred a month in advance, they were actively monitored and updated one and two weeks in advance with a final review performed the day before the scheduled dockets.⁶

Criminal Cases

The following revised business processes were instituted to support the scheduling and rescheduling of events in criminal cases:

⁴ Many of the business process changes described in this section remain in effect until determined otherwise.

⁵ Scanning was performed to preserve history of this information and allow for access by court staff.

⁶ This more frequent review/preparation of dockets will continue until decided otherwise by the AO Commissioner.

- The Court adjusted the Hicks date for criminal cases scheduled between March 16 – June 5, 2020. A date guideline was provided to AO by the Administrative Judge for reference when rescheduling cases.
- Attorneys in criminal cases were requested to call AO at least two days prior to their scheduled Rule 4-215 and criminal pretrial hearings to clear dates.
- Video Bond Review hearings were held Monday through Friday between mid-March and early June 2020 before the Administrative or Acting Administrative Judge. Upon the reopening on June 8, 2020, these hearings returned to Fridays at 11:30 a.m., before the Duty Judge with a maximum of four cases scheduled.
- The following criminal hearings were held remotely between mid-March and early June 2020 and continue to be heard remotely unless an in-person appearance is requested by parties and approved by the Administrative Judge: Rule 4-215, Pretrial, and Resolution.

Civil Cases

The following revised business processes were instituted to support the scheduling and rescheduling of events in civil cases:

- All civil motions hearings scheduled between mid-March and early June 2020 were compiled by the AO Commissioner and provided to a group of designated “civil motions” judges for review, some of which were then dispositioned in accordance with their instructions.
- The AO Office Manager reviewed all Civil Track 2 or 3 trials set for four-days or more and assigned each to a judge to be scheduled and adjudicated as immediately as possible.
 - All Civil Track 2 and 3 pretrial hearings set to be held between mid-March and early June 2020 were rescheduled throughout the month of August before two designated judges.
- The Court modified the scheduling of settlement hearings in civil cases before senior judges, which were automatically set prior to the pretrial hearing pre-pandemic.
 - While pretrial hearings remained on the docket before the Administrative Judge, if attorneys did not have a mediation set prior to trial, the judge scheduled the attorneys to remotely meet with a senior judge to discuss possible pre-trial settlement.
- Civil motions, settlement hearings and pretrial hearings were held remotely, which is a process that will continue until further notice.

Family Cases

The following revised business processes were instituted to support the scheduling and rescheduling of events in family cases:

- The AO Office Manager gathered cases with an uncontested divorce filed for the entire two-month period of June and July 2020 and delivered the files to family magistrates for review, rescheduling and/or removing hearing dates.

- Schedules of family magistrates were reconfigured so that they presided over Scheduling hearings or Uncontested Divorce hearings in the morning and one, three-hour matter beginning at 1:30 p.m. in the afternoon.
 - The following matters, initially set before family magistrates prior to the above change, were heard by a sitting judge or a senior judge: one-day matters, Pendente Lite and Contempt, Modifications, and/or Enforcement hearings set at 9:30 a.m., and double-booked Pendente Lite and Contempt, Modifications, and/or Enforcement hearings set at 1:30 p.m.
 - These changes were also made in the case management/scheduling system.
- Between mid-March and early June 2020, the following family hearings were held remotely and continue to be heard remotely until further notice: Family Division Magistrate (FDM) Scheduling hearings, FDM Uncontested Divorce hearings, Pendente Lite hearings, Settlement/Pretrial hearings, Settlement/Status hearings and post appointment of Guardianship Judgement Settlement hearings, and Contempt, Modifications, and/or Enforcement hearings.

Juvenile Cases

The following revised business processes were instituted to support the scheduling and rescheduling of events in juvenile cases:

- The Juvenile Judge’s docket was adjusted to accommodate three one-hour Adjudicatory Hearings a day starting at 9:30 a.m. However, this modification caused the Juvenile Judge’s calendar to run out of availability resulting in the Administrative Judge’s granting of an additional 20-day extraordinary cause grace period for pretrial hearings that were scheduled between mid-March and early June 2020.
- During the month of August, the AO Office Manager designated “juvenile back-up judges” from the sitting bench to assist with the dockets that were heavy with Adjudicatory Hearings before the new juvenile scheduling took place.
- The Juvenile Judge’s docket held three one-hour time slots daily except Wednesday in the morning and afternoons between 1:30 and 2:30 p.m. on some Wednesdays.

Drug Court/Mental Health Court Cases

The following revised business processes were instituted to support the scheduling and rescheduling of Drug Court/Mental Health Court proceedings:

- Since all Drug Court/Mental Health Court proceedings became virtual, a new scheduling procedure was established to make last-minute adjustments to the upcoming docket as follows:
 - The Drug Court Case Manager updated the original docket for the week, emailed the program participants who were added to the docket and sent AO the updated list.

- AO then scheduled the hearings based on the list, compared the revised and original lists, and notified the Drug Court team when modifications were needed to the docket based on comparisons performed.
- Starting in June 2020, all Drug Court hearings were set at 11 a.m., with the understanding that the times listed by the Drug Court Manager reflect the actual hearing time to minimize last-minute time changes in the case management system.
- Women’s Drug Court hearings, which were newly created and started in July 2020, were held at 10 a.m. every Friday.
- All proceedings of Drug Court, the Women’s Drug Court as well as the Mental Health Court were held remotely between mid-March and early June 2020 and continue to be heard remotely until further notice.

TBA Docket

The following revised business processes were instituted to support the To Be Assigned (TBA) docket, which is a docket used to manage over-booking:

- All criminal or family trials/hearings on TBA were assigned to a sitting judge.
- Only civil two- or three-day trials were permitted on TBA and reassigned by the AO Office Manager one month in advance. The remaining TBA (De Novo and lengthy civil motions hearings) were evenly distributed among judges one month prior to the scheduled event.
- TBA hearings were assigned amongst the sitting judges and dockets were provided to chambers one month in advance.

Chambers Procedures

The following revised business processes were instituted to support chambers procedures in the scheduling/rescheduling of events:

- AO provided judges and magistrates with their dockets one month in advance and with their daily docket once a week to allow additional time to prepare cases set for an upcoming hearing. Case preparation activities by chambers included:
 - Reviewing case files and contacting the parties and attorneys to obtain a case status, and if applicable, assessing the likelihood of an out-of-the-court settlement and facilitating a settlement (as assessed).
 - Confirming the hearing length and determining if the hearing was to be held remotely or in-person.
 - Sending the updated dockets to AO for posting/modifying hearing information in the case management/scheduling system.
 - Notifying AO via email throughout the day of any changes that needed to be made in the case management system regarding hearing designation and time slot schedules for their daily docket.
- After the docket was delivered to the judges and magistrates’ offices, AO personnel was instructed not to clear a new trial or hearing dates for that month. If necessary, they

were to contact the respective chambers and inform them that a case was added to their docket per a postponement done in court.

- These specially set matters scheduled by judges' chambers were held remotely.

Office Space Reconfiguration

To adhere to social distancing guidelines, several modifications were made to the assignment office space layout. AO's family clerks and an intern were relocated to South Tower offices. The remaining personnel in the office were spaced out to maintain social distance. To prevent overcrowding of office space, some staff stayed home and performed tasks remotely. For example, an intern worked from home from April to September 18, 2020 to put notices in envelopes with arranged delivery and pick-up twice a week.

XX. Modifications to Plea Judge Policy Adjustment

This initiative, which began in June 2020 and was suspended on Friday, October 2nd, was an expansion of a recommendation made by the Court's Criminal Committee on Reopening the Circuit Court, following consultation with the Offices of the States Attorney and Public Defender. Project team members included the Administrative Judge, DCM Coordinator, Assignment Office Supervisor, associate judges' staff and the Offices of the States Attorney and Public Defender. The goals of the initiative were to reduce the flow and presence of persons in the courthouse, to lower the backlog of criminal cases, and to encourage early resolution of cases by providing the State and the Defense with an expanded roster of judges to consider during plea negotiations. Announcement of this temporary policy change was provided to the Defense Bar through Bar Blasts, the Bar Newsletter, and the Court's website.

Prior to the installation of emergency operations, criminal cases were assigned a Plea Judge and the parties had the opportunity to enter a plea agreement prior to the Pretrial hearing before the assigned Plea Judge or any of the six (6) judges assigned to the Criminal Rotation. Due to the backlog of cases caused by restricting operations and to encourage early resolution of cases, the Administrative Judge temporarily expanded the roster of "Plea Eligible Judges" to include all 24 Associate Judges. This meant that if the State and defense counsel agree on a plea to be entered before any active judge, the matter was scheduled at the earliest possible time. Individual judges chose to hear the pleas remotely and/or to defer sentencing in appropriate cases. Pleas were heard subject to the availability of the selected judge. If certain judges received a disproportionate number of pleas such that they could not be scheduled within a reasonable amount of time, the parties were notified and asked to agree upon another active judge.

In order to allow for remote pleas to be scheduled in a staggered manner and, if necessary, for incarcerated individuals to be transported, plea agreements were processed by the chambers staff of the Administrative Judge. Once approved, the dates and times for the pleas, remote or in person, were coordinated with counsel and if necessary, plea hearings were held at the

appropriate corrections facilities. The scheduling information was then forwarded to the Assignment Office for placement on the docket.

This temporary change to the Circuit Court Policy Regarding Availability of Plea Judges required no technical adjustments to be made to our scheduling system. The distribution of cases was monitored by the DCM Coordinator to assure that there was no interference with on-going dockets and reports were provided to the Administrative Judge, on demand. To date, a total of 166 plea agreements were filed with 23 judges, resulting in the disposition of over 175 criminal cases.

XXI. Modifications to the Civil Track 3 Settlement Pretrial Conferences

Prior to installation of emergency operations in March 2020, the Court held settlement/pretrial conferences in track 3 civil cases on Thursdays. Counsel and/or the parties and adjusters, met with a senior judge first to reach a settlement. If this could not be accomplished, the parties then appeared on the same day in front of the Administrative Judge, to set a trial date and resolve any other issues. This practice was resumed on July 9, 2020 to facilitate early resolution of cases. Unfortunately, many of the cases were not in a posture to settle due to failure to complete discovery, failure to answer the complaint, or other issues. This revelation resulted in the cancellation of the conferences. Thus, effective August 6, 2020, for all track 3 cases with a settlement conference scheduled through October 4, 2020, the Assignment Office removed the conference and sent a notice of the removal to the parties.

Through coordination between the Administrative Judge, DCM Coordinator, Assignment Office, and the Senior Judges' Office, an initiative was implemented in August 2020 to hold pre-trial hearings telephonically. Announcement of the policy change was provided to the Defense Bar through Bar Blasts, the Bar Newsletter, and the Court's website. A goal of the initiative was to reduce the number of people coming to the courthouse while maintaining access to alternative approaches to case disposition. The parties were advised that the Administrative Judge's law clerk will contact their counsel no later than the day before the Thursday hearing with call-in instructions for the pretrial and that counsel should make themselves available during this time with the warning that his/her absence would result in the scheduling of a trial date without their participation. At the Pretrial hearing, parties were given an opportunity to re-schedule the settlement conference before a senior judge on the next available date. The scheduled settlement conferences occur on Thursdays. All settlement conferences before senior judges have been held remotely. Future conferences will continue to be held remotely with an option of being held in person based on a judge's preference.

XXII. Alternative Dispute Resolution

Beginning mid-May 2020, the Special Magistrate's Office, Family Division Services, and the Family Reopening Committee, which was headed by the Honorable James A. Bonifant, Associate

Judge, undertook an effort to help settle custody and divorce cases to alleviate the backlog and reduce the number of cases to be rescheduled. The project included identifying cases that had a divorce merits or custody trial set for greater than half day and that were eligible for mediation services (e.g., no current issue of domestic violence; no default Orders, etc.). Additionally, the Court reached out to its roster of family mediators to identify individuals that would be able and willing to take on between two to four pro bono mediations by August 31, 2020. After matching cases qualified for mediation and available mediators, an order was issued requiring the parties to attend the three-hour, pro bono mediation with the designated mediator. The family duty judges were also “on call” to preside over any matters that settled during their mediations so that the cases could be removed from the dockets as soon as possible. While certain mediations are still taking place (e.g., custody/access mediations, see Section VI), no further pro bono mediations are being ordered as the intention was to only use the services offered by these attorneys to address the summer backlog (as was initially explained to them). The Court’s ability to establish and implement pro bono mediations to address a backlog of family trials is a valuable tool that will be utilized as necessary in the future.

XXIII. Special Family Docket for Senior Judges

To address the backlog of Family cases, under the leadership of the Administrative Judge and in coordination with the Assignment Office, Law Library and the assistant to senior judges, the Court created a new docket for senior judges to remotely preside over family case hearings. Following the scheduling of hearings for senior judges by the Assignment Office, law library staff, who received training on the scheduling and facilitation of *Zoom* calls, assisted the judges with remotely presiding over these hearings. Working collaboratively, the senior judges’ assistant and law librarians ensured seamless support for scheduling and conducting remote family proceedings. The docket successfully launched on August 31, 2020 and is scheduled to be in operation until October 30, 2020.

XXIV. Caseload/Workload Landscape Analyses

To support decisions related to remote proceedings, electronic filings, docket management, operations management and facilities, Research and Performance staff recommended a strategy for capturing and communicating fundamental court metrics. It was anticipated that having baseline metrics established would help inform operations management during the emergency/restricted operations period.

The analysis focused on three operational areas: 1) Anticipated Caseload/Workload, 2) Dockets and 3) Hearings. Based on the identified operational areas, preliminary analyses were compiled related to:

- Anticipated caseload (original and reopened filings) and workload (hearings and trials set) when court operations expand.
- The docketing activity by the Clerk’s departments between 3/14 and 5/12/2020 and a comparison period (3/14-5/12/2019). The following two comparison-period scenarios

were examined: Scenario 1 - Docket codes in the comparison period that only exist between March and May 2020 and Scenario 2 – All docket codes in the comparison period regardless of whether they exist between March and May 2020.

- Counts of hearings (including trials and custody-merits) held between 3/16 and 5/15/2020 and a comparison period (3/18-5/17/2019) under two scenarios: 1) hearing types held between the March and May 2020 period and 2) all hearing types held (all hearings).
- Counts of hearings (including trials and custody-merits) scheduled by the Assignment for the period June 1-30, 2020 (as of 5/4/2020).

Additionally, more targeted analyses were performed for particular offices such as Family Division Services (related to juvenile pending cases and/or hearings requiring rescheduling) and chambers. For instance, judicial officers were (at times) interested in filing data among the state's large courts during the emergency period and/or pending and/or backlogged cases.

As the goals of courthouse workgroups shifted over the phased reopening period, Research and Performance supported data-related inquiries. Furthermore, as more targeted research questions were defined by offices and/or chambers, there was an opportunity to delve deeper into informing specific, reengineered operations and/or more broad operational strategies. While data did not always provide a definitive course of action, it was and continues to be a tool to help the management and monitoring of processes implemented to respond to the Court's ever-evolving operations.

Courthouse Facilities and Employee Support Initiatives

XXV. Visitor Log

Beginning July 2020, Technical Services, Court Administration, Clerk of the Court and the Sheriff's Office created a web-based form to capture courthouse visitors' names. The goal of this initiative was to provide the Sheriff's Office with a single source of information to view visitors' courthouse access requests. All building occupants/workers were given access to the form to submit the names of visitors coming to the courthouse on any given date. A separate database, also developed by Technical Services, used for the Clerk's Office appointments for services generated another list of visitors. Each evening, an automated process merged the visitor lists as well as the names of jurors to the Sheriff's department per their formatting standards. This initiative is expected to continue until indoor capacity limitations are lifted in Montgomery County.

XXVI. Kids Spot for Virtual Learning

Under the direction of Court Administration with assistance and cooperation from Family Services, Inc. and the Sheriff's Office, the Court's child-friendly waiting area, Kids Spot, was temporarily reopened and repurposed to assist school-aged children of court employees who would otherwise be at school during the COVID-19 pandemic. This initiative was one of the efforts to support its employees to return to work without worrying about childcare arrangements caused by pandemic-related school closures. This service was provided free of charge to the employees. This program resulted in no additional cost to the Court since contract stipulations required continued payment to Family Services, Inc. who provides the service.

Up to 13 children, aged 5-12, spent their day participating in their school's virtual learning program at Kids Spot while their parents are at work. Children were responsible for completing their virtual learning by themselves and were requested to independently participate in their virtual lessons without guidance or assistance. When "school" was over, they remained in the area and played until their parent(s) came to pick them up. Children stayed for up to a four-hour block in the morning and another four hours in the afternoon. Parents picked up their children for lunch, brought them back to Kids Spot for the afternoon session until they were picked up by 4:30 pm.

The Kids Spot program for virtual learning began on August 5, 2020. Kids Spot will continue to be in use for virtual learning until the resumption of public drop-in visits (scheduled on December 1, 2020) or when such service is no longer needed.

XXVII. Health Screening Questionnaire

Beginning August 2020, Technical Services, Court Administration and Office of the Clerk of the Court in coordination with the Administrative Office of the Courts implemented a health screening questionnaire. The questionnaire provided an electronic log for staff to answer COVID-19 health screening questions upon reporting to work each day. This solution allowed

staff to complete an online health screening form, which easily supported tracking and searching (when warranted). The system was constructed so that the survey appeared at login. Since no “out of the box” solution was available, the Technical Services department developed the form in Microsoft Forms and pushed it out using Active Directory Group Policy and task scheduler. The Court will continue to use this screening form until such service is no longer needed.

XXVIII. Extended Teleworking

As soon as the Court ceased its regular operations in March 2020, Court Administration staff began performing many of its core functions via teleworking. Those functions were performed by: Drug Court team members, Senior Judges’ staff, Quality Control, Data Processing, Custody Evaluators, Family Division Services Managers, Jury Office, Law Library, Assignment Office, Court Administration, and Research and Performance. Below are examples of operations converted to teleworking:

- Drug Court – Drug Court Case Managers started teleworking and conducting client check-in over video teleconferencing which provided a visual check to assess program compliance.
- Senior Judges – Support staff facilitated video mediation to support the work of senior judges.
- Quality Control (QC) – QC staff continued their regular work and MDEC development testing and other related activities by remotely accessing their office PCs.
- Data Processing (DP) – DP programmers continued their regular ticketed issues focusing on MDEC and non-MDEC related requests as well as responding to data requests remotely.
- Custody Evaluators – Custody evaluators assisted magistrates with Pendente Lite hearings, researched attorney information for MDEC, transitioned to managing on-line parenting courses, and participated in remote supervised visitation sessions by accessing work computers from home.
- Family Case Managers – Case managers assisted with MDEC efforts aimed at resolving questionable attorney data. As remote proceedings began, the case managers reviewed case files and contacted parties to obtain contact information for remote scheduling. Case managers also worked with parties to offer remote mediation sessions and were regularly involved in reviewing case backlog and coordinating with judicial officers on case management strategies.
- Family Law Self-Help Center (FLSHC) – In addition to providing clients with in-person and virtual assistance, the FLSHC attorneys assisted with MDEC efforts aimed at resolving questionable attorney data.
- Jury Office– Since jury trials were suspended, jury office staff assisted with senior judges’ mediations and resolution dockets and with MDEC efforts aimed at resolving questionable attorney data.

- Law Library – Law librarians conducted remote notary services, remote legal research, and facilitated free access to various digital legal accounts. The staff also conducted the Everyday Law series remotely.
- Assignment Office (AO) – AO arranged its staff who were medically vulnerable to remote work from home and assigned tasks performed without coming to the office such as processing notices for mailing.
- Court Administration (CA) – CA continued its tasks that can be performed remotely such as processing invoices to ensure timely vendor payments.
- Research and Performance (RP) – RP researchers performed all work remotely including supporting operations-related analyses, managing MDEC conversion and performing other MDEC-related tasks, responding to data requests, taking part in meetings, and report writing.

To ensure that its staff continued to work remotely as efficiently and effectively as when they were physically in the office, Court Administration worked closely with its Technical Services Department to provide sufficient infrastructure and technical support. Court Administration plans to continue this practice of remote work as long as it deems necessary to minimize courthouse staff and patron traffic in an effort to reduce the risk of unnecessarily spreading the COVID-19 virus.

XXIX. Internal and External Emergency-Related Communications

As regular operations ceased and the Court started planning for reopening, it became critically important that accurate information was delivered to those who needed it without delay. To achieve this purpose, the local leadership team - Administrative Judge, Court Administrator, and Clerk of the Court - regularly held conference calls. However, because of the nature of the crisis, in particular its length and impact on existing business practices, Sheriff, Assignment Officer Commissioner and Director of Technical Services were also invited to join the calls. As a member of the judiciary-wide workgroups, the Administrative Judge conveyed the statewide decisions and policies to the leadership team.

The Court held two virtual town hall meetings with employees on May 10, 2020 and June 4, 2020 where the Administrative Judge emphasized that the safety of the courthouse was of the utmost importance and provided information on medical screening, social distancing, mask wearing, facilities modifications and sanitizing common areas. The Clerk of the Court addressed case filings and provided information on business changes regarding filing of case documents, delivery/movement of physical files within the courthouse and the public viewing of case documents to eliminate or minimize human contact. Lastly, the Court Administrator addressed logistic-related issues including parking and telework and shared information on the handling of presumptive and positive COVID-19 cases. Prior to the meeting, court staff were requested to submit questions to ensure all employee concerns could be addressed during the meeting.

External Stakeholders/Judiciary Partners

The Court also invited external stakeholders/judicial partners to be part of all workgroups to raise concerns and develop best practices that also addressed their needs. Judicial partners were asked to help communicate new court practices to their constituents. The Administrative Judge reached out to the Bar Association of Montgomery County and large law firms in the area to disseminate information and to obtain full cooperation with the courthouse reopening. As indicated above, information related to procedural changes were delivered to attorneys via Bar Blast and e-mail, in addition to being available on the Court's website. The Court participated in twice-a-week Montgomery County emergency management office conference calls to ensure the internal plans were aligned with those of the county government.

Public information

All information about COVID-19 related policy information, both statewide and court-specific, were made available on the home page of the Court's website: <https://www.montgomerycountymd.gov/cct/>. In addition, the hearing schedule was displayed on the website informing interested parties on whether the hearing would be held remotely or in person.

Challenges Experienced

In spite of the efforts made to provide internal and external stakeholders with necessary information in a timely manner, so many rapidly evolving business process changes often led to information overload, causing confusion and misinformation. For example, with too much information loaded on its home page, the Court's website suffered from challenges with usability. The Court recognizes the importance of effective change management and the need for clear, concise, and consolidated information. Efforts are ongoing to revisit practices instituted to ensure that they meet the needs of internal and external stakeholders.

Points for Statewide Consideration

Clerk's Office: Flexibility to Telework

The fact that Montgomery County was not live on MDEC posed significant problems for receiving and processing filings once the Court closed on March 17, 2020. Staff who might have been able to work on Odyssey from home did not have that application at their disposal, and most filings were still being received via mail or drop box. However, the Criminal Department was able to take advantage of teleworking after an in-house electronic filing solution was instituted. One staff member was able to review the filings from home, process related docket entries into the case management system and print completed paperwork in the department. On-site staff then picked up the paperwork and physically latched it into the file.

The flexibility to telework was proven to be a major asset to the way the Court performs its business. The COVID-19 virus is here to stay, and when some employees are allowed to work from home it enhances the Court's ability to achieve a safer workplace by reducing the likelihood of infection spread among those who must perform their duties at the courthouse. Customer service is a major part of working within the Maryland Judiciary; however, that does not decrease the need to allow the Clerk of the Court to implement telework as an option when deemed necessary and in the best interest of employees. In fact, the Court was able to better serve its patrons by allowing remote access to document processing, remote hearings and family services. The Clerk of the Court welcomes continued dialog statewide regarding a more flexible and supportive work environment for employees as we continue to navigate an uncertain future.

Inclusive Communication: Human Resources Department at the Administrative Office of the Courts and the Clerks of Court

The pandemic caused a lot of quick decision-making and major changes in the way the courts handled business statewide. One of the biggest lessons learned by the Clerk of the Court is the value of inclusive communication. There were quite a few new policies and procedures that came about because of the pandemic. These statewide policies were not always clear and were not always communicated accurately to the Clerks of the Court. For instance, when guidance was needed on a policy, the Human Resources staff were not always on the same page. While we were and continue to be navigating an uncertain environment where decisions (at times) need to be made quickly, the need for two-way communication, coordination and clarity remain critical.

Change Management: COVID-19 and MDEC Implementation

All Maryland courts have been doing their best to construct and implement operational solutions to this global pandemic in the most effective and timely manner. While new business processes have been put in place, they are by no means considered to be in a stable or static posture. The Court must remain flexible in its operational response as feedback is provided (formally and informally) on what is working and what needs improvement. We continuously

balance the need to remain flexible with the need to stabilize operations for judges, magistrates, court staff and judicial partners.

The Court also acknowledges that another major disrupter to court operations is on the horizon: MDEC implementation. While COVID-19 provides some insight on how the Court will respond or be challenged by a major disruptor, a sustained period of operational upheaval and change is top of mind for court leadership. We are noticing signs of employee fatigue, anxiety and frustration as operations continue to evolve with the pandemic. The Court has been informed that roles/responsibilities as well as business practices will continue to shift with MDEC implementation. Understanding what these shifts may look like and how we can adjust to them may help court leadership prepare its staff for the next, new work environment and minimize the professional and personal impacts on court personnel.

Some of us are more challenged than others by the notion that our “reopening” or expansion of operations is not reverting us back to our pre-pandemic operations. Some of our new operations (e.g., e-filing and remote proceedings) will continue to be in our future. The Court welcomes discussions with the MDEC implementation team about how business processes have shifted with past circuit court implementations. Such information may help inform current operational changes as well as those anticipated post-Go Live.

Statewide Debriefing Opportunities

The Court encourages the Maryland Judiciary to provide statewide committees such as the Conferences of Circuit Court Judges, Circuit Court Clerks and Circuit Court Administrators with opportunities to debrief about what worked, what did not, and what was promising in the response to the COVID-19 pandemic in terms of court operations, communications and management/leadership. These lessons learned may assist court leaders in preparing for ongoing challenges as well as future challenges.

Conclusions

The Circuit Court for Montgomery County has been challenged by an unprecedented situation caused by the novel coronavirus (COVID-19). The ability to be agile, decisive and steadfast has been critical over the past seven months as completely new operations had to be imagined, developed, communicated and implemented to ensure the continued administration of justice. Working collaboratively and in coordination with judges/magistrates, clerks and administrative personnel has contributed to the success in ensuring operations continue with minimal interruptions and in the most effective and efficient manner. The dedication of court staff cannot be understated. Staff in all departments including but not limited to the Clerk's Offices, Assignment Office, and Technical Services continued to support the work of the Court during the emergency period of mid-March to early June 2020. In addition, staff continued to work remotely to support work that was not necessarily impacted by the pandemic such as efforts to support MDEC implementation. Staff have demonstrated tremendous commitment to the Court's mission. They have completed tasks by meeting challenging timelines and handling significant backlogs. A strong leadership team in addition to a committed cadre of judiciary partners and court staff will continue to position this court for success regardless of challenges to be faced in the future.